UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/NET/1
7 April 1993

ORIGINAL: ENGLISH

Committee on the Elimination of Discrimination
against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States parties

THE NETHERLANDS

V.92-59138

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PREFACE

The Government of the Netherlands hereby presents its initial report in accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women.

The report comprises two parts following the "General Guidelines regarding the Form and Contents of Reports received from States Parties under article 18 of the Convention" (CEDAW/C/7 August 1983) adopted by the Committee on the Elimination of Discrimination Against Women. The first part provides the general framework within which the Convention is being implemented (in accordance with the "Consolidated guidelines for the initial part of the reports of States Parties" HRI/1991/1 February 1991). The second part provides specific information on the implementation of each of the articles of the Convention.

The text is supported by a statistical annex which compiles statistical data on the various subjects discussed in the report.

The Kingdom of the Netherlands ratified the Convention on 23 July 1991. In accordance with its article 27(2), the Convention entered into force for the Kingdom of the Netherlands on 22 August 1991. The Netherlands Antilles and Aruba are autonomous parts of the Kingdom and have compiled their own reports as hereby submitted.

UNITED NATIONS NATIONS UNIES (IV.8)

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

REFERENCE: C.N.161.1991.TREATIES-5 (Depositary Notification)

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN
ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 18 DECEMBER 1979

RATIFICATION BY THE NETHERLANDS

OBJECTIONS BY THE NETHERLANDS

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

I

On 23 July 1991, the instrument of ratification by the Government of the Netherlands (for the Kingdom in Europe, the Netherlands Antilles and Aruba) of the above-mentioned Convention was deposited with the Secretary-General.

The instrument of ratification was accompanied by the following declaration:

(Original: English)

"During the preparatory stages of the present Convention and in the course of debates on it in the General Assembly the position of the Government of the Kingdom of the Netherlands was that it was not desirable to introduce political considerations such as those contained in paragraphs 10 and 11 of the preamble in a legal instrument of this nature. Moreover, the considerations are not directly related to the achievement of total equality between men and women. The Government of the Kingdom of the Netherlands considers that it must recall its objections to the said paragraphs in the preamble at this occasion."

In accordance with its article 27 (2), the Convention entered into force for the Netherlands (for the Kingdom in Europe, the Netherlands Antilles and Aruba) on the thirtieth day after the date of deposit of the instrument, i.e. on 22 August 1991.

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

II

Also, on 23 July 1991, the Secretary-General received from the Government of the Netherlands the following objections concerning reservations made by a number of States:

(Original: English)

"The Government of the Kingdom of the Netherlands considers that the reservations made by Bangladesh regarding article 2, article 13 (a) and article 16, paragraph 1 (c) and (f), by Egypt regarding article 2, article 9 and article 16, by Brazil regarding article 15, paragraph 4, and article 16, paragraph 1 (a), (c), (g) and (h), by Iraq regarding article 2, sub-paragraphs (f) and (g), article 9 and article 16, by Mauritius regarding article 11, paragraph 1 (b) and (d), and article 16, paragraph 1 (g), by Jamaica regarding article 9, paragraph 2, by the Republic of Korea regarding article 9 and article 16, paragraph 1 (c), (d), (f) and (g), by Thailand regarding article 9, paragraph 2, article 15, paragraph 3, and article 16, by Tunisia regarding article 9, paragraph 2, article 15, paragraph 4, and article 16, paragraph 1 (c), (d), (f), (g) and (h), by Turkey regarding article 15, paragraphs 2 and 4, and article 16, paragraph 1 (c), (d), (f) and (g), are incompatible with the object and purpose of the Convention (article 28, paragraph 2).

The Government of the Kingdom of the Netherlands has examined the contents of the reservation made by the Libyan Arab Jamahiriya, by which the accession 'is made subject to the general reservation that such accession cannot conflict with the laws on personal status derived from the Islamic Shariah', and considers the said reservation incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands has also examined the reservations made by the Republic of Malawi, by which 'owing to the deep-rooted nature of some traditional customs and practices of Malawians, the Government of the Republic of Malawi shall not, for the time being, consider itself bound by such provisions of the Convention as require immediate eradication of such traditional customs and practices', and considers the said reservations incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands therefore objects to the above-mentioned reservations.

These objections shall not preclude the entry into force of the Convention as between Bangladesh, Egypt, Brazil, Iraq, Mauritius, Jamaica, the Republic of Korea, Thailand, Tunisia, Turkey, Libyan Arab Jamahiriya, Malawi and the Kingdom of the Netherlands."

7 October 1991

PART I. GENERAL DESCRIPTION OF THE NETHERLANDS

1. General, social, economic, political and legal structures

1.1 General

1. The Kingdom of the Netherlands is a constitutional monarchy with a parliamentary system of government. It comprises the Netherlands in Europe and the Netherlands Antilles and Aruba in the Caribbean. Her Majesty Queen Beatrix is the head of state.

1.1.1 Geography

2. The Netherlands is a small, densely populated and highly developed country on the North Sea estuaries of the Rhine, Maas and Scheldt rivers. The Netherlands Antilles comprise the Caribbean islands of Curacao, Bonaire, St.Eustatius, Saba and St.Martin, together with Aruba, which has a special status within the Kingdom.

3. The total area of the Netherlands is 41,574 km2, including 638 km2 constituting Lake IJssel and coastal waters which have not been incorporated into any municipality. Lakes, rivers and canals cover 4243 km2 of the surface area. It is bounded on the north and west by the North Sea, and borders on Germany in the east and Belgium in the south. The country is extremely flat, with a few hills in the south and east. Some 27% of the western and northern regions lies below sea level. The lowest point, 6.7 m below NAP, is in the west, where 60% of the population is concentrated. The highest point, 321 m above NAP, is in the south, at the junction of the Dutch, Belgian and German borders.

4. As more than half the country lies below sea level, and 60% of the population live in the low-lying areas, protective dikes and pumping stations are essential.

5. Dunes and dikes protect these areas from inundation by the sea via estuaries and inlets, and prevent flooding from the rivers, ground water and rainfall. Two major projects have ensured an effective system of water control. The Delta Project, completed in 1986, was initiated after the 1953 disaster when the sea inundated vast areas and claimed 1835 lives. It has closed off the estuaries in the south-west of the country by means of storm-surge barriers.

6. The second project, the construction of a 30-km barrier dam closing off the former Zuiderzee from the sea, was completed in the 1930s. It transformed the Zuiderzee into a fresh-water lake since known as Lake IJssel. When the barrier dam was in place, work began on the reclamation of four huge polders which together represent a gain of 165,000 hectares of new land.

1.1.1.1 Climate

7. Lying between 51 and 54 degrees latitude, in the proximity of the gulf stream, the Netherlands has a temperate maritime climate with mean temperatures ranging from 1.7 degrees Celsius in January to 17 degrees Celsius in July. Total annual rainfall somewhat in excess of 700 mm is fairly evenly distributed throughout the year, and snowfall is frequent in the winter months. The number of sun hours per year varies from 1600 to 1700. Winds are mainly south-westerly, and their force in different parts of the country is largely determined by their distance from the sea.

1.1.1.2 Language

8. The official language of the Netherlands is Received Standard Dutch. Dialects are also spoken in some regions. The Frisian language is accorded a special status. It has been a compulsory subject in primary schools in the province of Friesland since 1980, and will become compulsory in the first stage of secondary school as of 1 August 1993.

1.1.2 The Netherlands Antilles

9. The Netherlands Antilles constitute an autonomous part of the Kingdom of the Netherlands. Though Aruba (a constituent part of the Antilles up to 1986), Bonaire, Curacao, St.Martin, St.Eustatius and Saba are Caribbean islands, they belong geographically to two different island groups. Aruba, Curacao and Bonaire form part of the Leeward Islands off the South American coast, while St.Martin, St.Eustatius and Saba belong to the Windward Islands 900 km to the north east. The names of the two island groups indicate their position in relation to the centre of the Northeast Passage.

10. Bonaire covers an area of 281 km2, Curacao 472 km2, Saba 13 km2, St.Eustatius 21 km2, and St.Martin 34 km2. Their respective populations are Bonaire 11,000, Curacao 170,000, Saba 1000, St.Eustatius 1600 and St.Martin 27,000, totalling some 210,000 people of more than 50 ethnic backgrounds.

1.1.3 Aruba

11. On 1 January 1986 Aruba was accorded a separate status, so that it no longer forms part of the Netherlands Antilles, but is now an autonomous part of the Kingdom.

12. The surface area of Aruba is 190 km. The island has approximately 65,000 inhabitants. Its capital is Oranjestad.

1.1.3.1 Climate

13. Despite their tropical location, the climate in the islands is pleasant at all times of the year because of the trade winds and the comparatively low humidity. The mean temperature is 27.5 Celsius. January is the coolest month with a mean temperature of 28.5 Celsius during the day and 21.5 Celsius at night, and September the hottest month with a mean temperature of 30 Celsius (day) and 26 Celsius (night).

14. The average annual rainfall in the Windward Islands is 1080 mm; that in the Leeward Islands is 580 mm. There may be wide fluctuations from one year to the next.

1.1.3.2 Language

15. The official language is Dutch; English and Spanish are also spoken. Papiamento is the 'lingua franca' in the Leeward Islands, and English in the Windward Islands.

1.1.3.3 Form of government

16. The Netherlands Antilles and Aruba are autonomous parts of the Kingdom of the Netherlands and their peoples owe allegiance to H.M. Queen Beatrix. The Netherlands retains responsibility for defence and foreign relations. The seat of government and of Parliament (22 seats) in the Netherlands Antilles is Willemstad. Each island has its own Island Council, Executive Council and Lieut.-Governor.

1.1.3.4 Religion

17. The majority of the population of the six islands are Roman Catholic. Many inhabitants of the Windward Islands are members of the Methodist and Anglican churches.

1.2 Social structures

1.2.1 Population

18. The population of the Netherlands is 15 million, of whom 7.6 million are female and 7.4 million male. The average population density is 443 persons per square kilometre. Between 1 January 1980 and 1 January 1991 the population increased by 919,000, which included a rise of 118,000 in 1990. In the 1980s the average annual growth rate was 80,000. The sharp rise in 1990 is attributable to a substantial surplus of births and an equally substantial migration surplus.

1.2.2 Birth rate

19. The surplus of births over deaths or natural growth of the population has declined consistently since 1964. The birth rate dropped from 18.3 live births per thousand in 1970 to 13.2 per thousand in 1990. The number of births has nevertheless shown an increase since 1983, 1990 in particular being characterised by as many as 197,000 live births (101,000 boys, 96,000 girls). This represents an increase of 5% as compared with 1989. The sharpest rise in absolute terms since 1969, it is largely due to two factors: the children born in the baby boom of the 1950s and 1960s are now themselves becoming parents, and 5.5 thousand were first births, notably to women aged 30 and over.

20. As stated above, much of the rise in the number of live births may be attributed to the high birth rate in the late 1950s and early 1960s (25% higher than the present rate). The fact that the present birth rate falls far short of replacement level is apparent from the total age-specific fertility rate, which at 1.62 has not yet reached the replacement level of 2.1, despite the markedly higher rate in 1990. The replacement level is the average number of births

required to ensure that there will be as many women of reproductive age in the next generation as in the present generation.

Fertility rates and average age of women at childbirth

	1966	1987	1988	1989	1990
Crude birth rate	12.7	12.7	12.6	12.7	13.2
General fertility rate	47.7	47.8	47.4	47.8	49.9
Age-specific fertility rates of women aged					
15-19	5.1	5.2	5.6	5.9	6.4
20-24	50.0	46.6	44.3	42.4	42.0
25-29	130.2	127.4	122.4	118.9	120.1
30-34	95.3	100.7	103.5	106.6	114.4
35-39	25.2	27.9	29.7	32.6	36.1
40-44	4.2	4.3	4.3	4.6	4.7
45-49	0.6	0.5	0.5	0.5	0.5
Total period fertility rate per woman	1.553	1.558	1.545.	1.553	1.617
Gross reproduction rate	0.76	0.76	0.75	0.76	0.79
Net reproduction rate	0.76	0.75	0.75	0.75	0.78
Average age of women at childbirth	28.5	28.7	28.8	29.0	29.2
Average age of women at birth of first child	26.8	27.0	27.2	27.4	27.6

Source: Central Statistics Office, Monthly Population Statistics, 1992.

1.2.3 Death rate

21. Life expectancy at birth is 80 years for women and 74 years for men. These values have remained fairly constant over the past few years, though life expectancy has increased

slightly more for men (from 72.5 to 73.8) than for women (from 79.2 to 80.1) since 1980.

22. The 1990 death rate of 8.6 per thousand inhabitants has shown little fluctuation throughout the years. In absolute figures, male deaths in 1990 totalled 66,604, and female deaths 62,186. The infant mortality rate declined from 773 boys and 564 girls in 1980 to 627 and 476 respectively in 1989.

1.2.4 Migration

23. In June 1991 persons of non-indigenous origin resident in the Netherlands totalled 713,000. Persons of Turkish origin, numbering 191,000 as at 1 January 1991, constitute the largest group, followed by 148,000 Moroccans.

24. In 1990 31% of immigrants consisted of Dutch nationals, and 15% of persons from other EC member states, while 11% came from Turkey and 8% from Morocco. In absolute figures, 81,000 of the total of 117,000 immigrants were of non-indigenous origin.

25. With the exception of the Tunisian and Yugoslav communities, young people of 15 to 24 years are overrepresented in the ethnic minority groups. Their number is comparatively large in the Italian, Turkish, Surinamese and Antillean communities.

Non-indigenous population by country of origin

	1980	1985	1989	1990	1991
	in thousands				
Belgium	23	24	23	23	24
Former West Germany	43	45	40	42	44
Republic of China	7	9	8	6	7
France	6	7	8	8	9
Indonesia	11	9	10	8	9
Italy	21	20	16	17	17
Yugoslavia	14	12	12	13	13
Morocco	72	111	139	148	157
Portugal	9	8	8	8	8
Spain	24	21	17	17	17
Suriname	19	10	16	15	19
Turkey	120	156	177	191	204
U.K. (+ Hong Kong)	35	41	37	37	39
U.S.	11	10	11	11	11
Vietnam		7	6	5	5
Other countries	103	64	90	86	103
Stateless and unknown	5	6	4	6	6
Total	521	529	624	642	692

Source: Central Statistics Office, Statistics Year Book 1992.

26. The emigration of both Dutch and non-Dutch nationals (1990: 3.8 per thousand inhabitants) has remained at much the same level for a number of years. The figure for non-Dutch nationals declined from 28,000 in 1983 to 21,000 in 1987, remaining at that level up to 1990, when emigration among one or two ethnic minorities, including Turks and Moroccans, declined still further.

1.2.5 Lifestyles

27. The situation in this respect is clearly changing in the Netherlands. There are fewer marriages, more divorces, and one in five women remains childless. These changes have implications for the composition of the population.

28. The majority of people in the Netherlands live in private households (as compared with those in institutions and residential homes). Between 1977 and 1989 the number of households rose from 4.4 million to approximately 6 million. Single-person households increased from 17.7% in 1977 to 29.2% in 1990, while households consisting of married couples decreased from 72.6% to 57.3%. The average number of persons per household is 2.4. The traditional household of a married couple with children declined from 43.4% in 1981 to 35.3% in 1990.

29. Shifts have likewise occurred within the various types of household. In 1960 single-person households largely consisted of the elderly; by 1981 the number of persons in the 25-29 and 30-34 age groups who were living alone had increased appreciably. Whereas in that year the 20-24 age group comprised the largest category of young people living alone, it is now outnumbered by the 25 to 29 year-olds. This trend is most clearly discernible in the towns.

Households

	1980	1985	1988	1989	1990
	in thousands				
One person	1085	1556	1713	1765	1798
Two or more persons	3921	4057	4222	4262	4329
Total	5006	5613	5935	6026	6127
Average no. of persons per household	2.78	2.54	2.45	2.43	2.40

Source: Central Statistics Office, Monthly Population Statistics, 1992.

1.2.5.1 Marriage

30. In 1960 some 79% of all households in the Netherlands consisted of married couples with and without children. By 1988 this figure had dropped to 56%, while the proportion of one-person households rose from 12% to 29% in the same period.

31. Marriage in the Netherlands can be contracted in one of two ways: in community of property, entailing joint ownership of all property, or under a property agreement drawn up in advance, specifying each partner's ownership rights. Until recently almost 85% of marriages were in community of property. The property agreement option is however currently gaining in popularity, 26% of marriages contracted in the past five years being of this kind. Only 38% of property agreements contain a clause providing for the sharing of property acquired in the course of the marriage. This is primarily of importance for partners - usually women - without paid employment outside the home.

1.2.5.2 Divorce

32. The divorce rate rose steadily between 1958 and 1985, but has since levelled off owing to such changing social patterns as cohabitation before marriage and later marriage, as well as to less favourable financial circumstances and the social consequences marriage would then entail.

33. In 1990 the marriages of 27,000 men were dissolved by divorce, and of 16,000 by the death of their partners; the corresponding figures for women were 28,000 and 41,000 respectively.

1.2.5.3 Cohabitation

34. The mutual rights and obligations of persons living together outside marriage are not regulated by law. They are free to regulate such matters in a cohabitation contract, which provides greater security as regards the legal aspects. Such contracts have been drawn up by 44% of persons living together for more than 5 years, and by 20% of those whose cohabitation is of shorter duration.

35. The number of persons living together outside marriage is estimated to be in the region of 350,000. The proportion of such relationships which break down is comparatively high, as evidenced by the figure of more than 20,000 in 1988.

36. Attitudes to marriage have undergone a radical change in recent years, as shown by a study of 1800 young people aged 18, 22 and 26 conducted by the Free Protestant University of Amsterdam. The majority of the respondents stated that they would later live together with a partner. The actual figure was 70%, of whom a proportion planned eventually to marry. Most of those who did not intend to marry stated that they saw no difference between marriage and cohabitation.

37. The number of children born outside marriage has increased in the past few years. In October 1990, 11.5% of births were in this category, as compared with 2% in 1975. Social attitudes have changed in this respect. Whereas in former times unmarried motherhood was considered to be scandalous, nowadays it is widely accepted. This is clear from the average age of unmarried women at the birth of the first child, which is one year less than that of married women, as compared with a three-year difference in 1970.

1.2.5.4 Other patterns

38. In the past few decades more young people have left their parental homes to live alone. This changed pattern of behaviour derives from social trends like greater individualisation (in the sense of greater independence) and the greater equality of women. In the first half of the 1980s the number of one-person households grew by approximately 400,000, an increase which was largely accounted for by the younger age groups. On leaving the parental home, more women then men live together with a partner (see Appendix). The emancipation of women is nonetheless responsible for much of the change now evident in social patterns.

39. Despite the changes taking place in personal relationships over the past two decades, there are still marked differences between women arising from their social origins, which include such factors as religious affiliation, educational level and place of residence. The increasing incidence of one-parent families would seem to be part of this picture. Non-churchgoing, highly educated women cohabit more often before marriage, as do women in urban areas and women brought up in one-parent families. Very few women who are regular churchgoers cohabit before marriage.

Women's lifestyles as at October 1982 and February 1988 (1)

	1982	1988
	in percentages	
Living with parents	19	21
Living alone	9	12
Cohabiting	8	12
Married	60	50
Head of household	3	4
Other	1	1
Size of sample (abs. = 100)	6539	5814

(1) Women aged 18 to 37 of various ethnic origins

Source: Central Statistics Office, Statistics Year Book 1990

1.2.6 Sex and age distribution

40. In 1990 the age structure was roughly as follows: 0-19 years, 25%; 20-44 years, 41%; 45-64 years, 21%; 65-79 years, 10%; over 80 years, 3%.

41. In the same year females totalled 7.5341 million, and males 7.3585 million. More boys than girls are born each year, but the higher death rate among men of all age groups (1989: 9.1 per thousand as against 8.2 per thousand women) means there are more women than men over the age of 55.

42. In 1990 there were 284,339 men and 344,720 women between the ages of 65 and 69. The number of women between 80 and 84 is twice that of men in the same age group.

1.2.7 Religion

43. The regional distribution of religious denominations is roughly as follows: Roman Catholics predominate in the provinces of Limburg and Brabant, and Protestants in a broad band traversing the country from Zeeland in the south west to Groningen in the north east.

44. In 1989 38% of the population aged 18 and over described themselves as Roman Catholics, 18% as Dutch Reformed, 10% as Calvinist, 4% as belonging to other religions, and 29% as non-religious.

45. In 1990 there were 432,000 Muslims (2.9% of the total population) and 81,000 Hindus and Buddhists (0.6 % of the population) in the Netherlands.

1.3 The economy

1.3.1 Economic development

46. Economic growth in the Netherlands, as in most industrialised countries, slowed down after the 1973 oil crisis, averaging no more than 2% up to 1983. The late 1970s and early 1980s were marked by economic stagnation and a decline in GNP, together with an appreciable drop in investment.

47. The economy began to pull out of the recession in 1983. World trade entered on a period of expansion and Dutch exports benefited accordingly. This had a marked effect on the national economy, for exports of goods and services amount to 65% of GNP.

48. Despite the economic recovery, the rise in prosperity per head of population lags behind that of other European countries. One reason is the low level of employment as

compared with the surrounding EC countries, no more than 54% of women and 81% of men being employed in 1990. The government seeks to halt this trend and to strengthen the economic basis for social security, but this requires a higher employment rate, which in turn will depend on a wider labour market, a greater number of jobs and the coordination of supply and demand.

49. Secondly, asymmetrical growth has characterised the public sector over the last decades. Expenditure on income transfers and interest debts arising from public sector deficits and state borrowing has increased disproportionately, while public investment has fallen behind. The resulting infrastructural lacunae are an ever greater barrier to growth and employment. The public sector deficit in 1992 will amount to 20.8 billion guilders, and debt repayments to 24.6 billion guilders. Public spending in the Netherlands has risen more rapidly and absorbs a larger part of GNP than is the case in other EC countries.

50. In 1990 GDP amounted to 508,310 million guilders, as compared with 475,300 million in 1989. In the same two years gross national income was 509,000 million and 476,020 million respectively. In 1991 real national income rose by 2.25%, and real domestic expenditure by 2%. The volume of exports increased by 4.5%, and the volume of imports by 4%. Real disposable income has not increased. The surplus of the current account of the balance of payments is 4%. Inflation rose from 2.4% in 1990 to 3.25% in 1991.

Economic growth percentages

	1988	1989	1990	1991	1992
Real national income	3.0	4.6	4.6	2.25	1
Real domestic expenditure	2.1	3.9	3.6	2	0.25
Volume of exports (excluding energy)	10.1	6.2	5.6	4.5	5
Volume of imports	7.3	6.4	5.1	4	3

1.3.2 Economic structure

1.3.2.1 Industrial sectors

In 1991 the Dutch economy was characterised by a large number of businesses in the trade and hotel and catering sectors, and businesses specialising in the repair of consumer goods, accounting in all for 41% of businesses in the Netherlands. The banking and insurance sector constitutes 25% of the total number, other service sectors 13%, and the extraction of minerals and manufacturing 9%. The building and installation sector accounts for a further 8%, and transport, storage and communications 4%.

51. Intensive farming methods are practised in the Netherlands. The bulk of agricultural products is exported; the balance of trade for the agricultural sector amounts to more than 15 billion guilders. The number of persons employed in agriculture has declined appreciably, comprising a mere 5% of the labour force in 1988. The agricultural industry currently accounts for 29% of total industrial turnover, making it one of the country's key industries.

1.3.2.2 Energy

52. The large reserves of natural gas in the Netherlands constitute a sizeable part of energy supplies. It is used to generate electricity and is widely used on the domestic market in addition to being exported in substantial quantities. Earnings from natural gas comprise an important part of the national income.

53. The energy policy pursued since 1973 is designed to reduce dependence on imported supplies. Nation-wide energy-saving campaigns have been conducted, and long term alternative sources of energy such as wind power have been developed. Coal is currently being used for this purpose. The search for oil and gas on the Dutch part of the continental shelf is continuing. Many Dutch and foreign firms are keen to engage in exploration activities because of the stable financial and tax policies pursued by the government in this area. The Netherlands currently produces 20% of its total oil requirements.

1.3.2.3 The European Community

54. The Dutch economy greatly benefited from the establishment of the European Economic Community in 1958, which facilitated the export of agricultural and industrial products to other member states. In 1957 the original members of the Community - which did not include Britain, Ireland, Denmark, Greece, Spain and Portugal - accounted for 41% of Dutch exports; the corresponding figure is now 61%, while exports to all EC countries amount to 73% of total exports. Imports from EC countries have risen from 41% to 47% of total Dutch imports, and rises further to 56% when imports from new member states are taken into account.

55. Relations between EC states are becoming closer and more intensive, particularly in the financial and economic spheres,

which are now entering the final stage of the introduction of an internal market based on the free flow of goods, services, capital and persons which is scheduled to become operative on 1 January 1993.

56. The Dutch economy will become still more closely interwoven with the economies of the EC partners, as is already apparent, for instance, from the growing number of mergers of Dutch and foreign firms and the sharp rise in investment between the Netherlands and other countries.

1.3.3. Employment trends

1.3.3.1 Women and employment

57. The number of women in employment has doubled over the past 15 years to 2.7 million, or 54% of the total female labour force. In the same period the number of men in employment has increased by 20% from 3.5 to 4.2 million, or 81% of the total male labour force. Despite the substantial increase in the number of working women, the proportion of unemployed women remains relatively high at 12.3%, as against 7.0% of men.

58. The labour force in 1990 averaged 6,992,000, which was 159,000 more than in 1989. The increase was largely attributable to the greater number of women in employment as a result of fewer women retiring from work on the birth of a child. In 1990 women's participation in the job market was 4.6% higher than in the year before, while men's share had grown by only 0.9%. The educational level of working women has also risen sharply over the past 15 years. Whereas in 1975 one-third had no more than primary school, this figure had dropped to approximately 1 in 9 by 1990.

1.3.3.2 Part-time jobs and type of employment

59. The growing number of women going out to work is a positive development. Even so, the position of women in the job market is far from ideal. The recent increase in women's employment is largely accounted for by part-time jobs. The proportion of women in full-time jobs dropped from 59% in 1975 to 38% in 1990, which means that 62% of women were in parttime jobs as against 16% of men.

60. In addition, a high percentage of women are employed in casual or temporary work. With this type of labour contract their rights may not always be fully protected.

1.3.3.3 Sex segregation in the labour market

61. Though the educational level of women in employment is now much the same as that of men, women are still over-represented in the lowest-level jobs and thus in the lowest-paid categories. Moreover, they are promoted less often to the more senior levels. This unequal distribution, or vertical segregation, indicates that the capacities of women are grossly under-utilised.

62. Horizontal segregation is the term used to refer to a situation in which women are concentrated in a limited number of occupations in which they are over-represented.

Sex distribution per occupation (15-64 years)

	Women		Men	
	%	scale	%	scale
Architects, engineers and related technicians and draughtsmen	0		6	2
Doctors, dentists, veterinary surgeons, nurses and allied professions	12	1	2	
Teachers	6		4	5
Business executives	1		6	1
Accountants, cashiers and related occupations	9	5	4	
Clerical jobs	10	2	5	4
Shop assistants and other salespersons, excluding travelling representatives	10	3	4	
Domestic and caring occupations	9	4	0	
Plasterers, carpenters and other construction workers			5	3

Source: Central Statistics Office, Work Force Survey, 1990

1.3.3.4 Unpaid work

63. 75% of unpaid work and less than 25% of paid work in the Netherlands is performed by women, though the former type of work is roughly twice that of the latter. A study conducted in 1988 showed that of the total amount of time available per day (24 hours), women spend 6% in paid employment, 14% in domestic duties and 1% in voluntary work. The corresponding figures for men are 13%, 4% and 1% respectively.

1.3.4 Income distribution

64. On average men earn almost 50% more than women (Dfl.23 per hour as against Dfl.15.50 for women) notwithstanding women's greater participation in the job market, their higher educational level and a rise in the average number of years of service.

65. Forty six percent of women between the ages of 18 and 64 have no income of their own (cf. 5% of men); some 2 million are full-time housewives. The distribution of the 54% of women with a separate income is as follows: occupational income, 37%; dividends etc., 3%; benefit payments, 13%; pensions, 1%.

66. The average wage is lower for women than for men. In 1985 the gross monthly wage for full-time workers excluding overtime was Dfl.3,675 for men and Dfl.2,522 for women, rising to Dfl.2,739 in 1989. Women's wages have risen somewhat more than men's wages in recent years.

67. Only 7% of women in the Netherlands earn more than their partners.

68. Despite a gradual redistribution of tasks between men and women, wide differences in the time spent in unpaid work remain. In households in which both partners go out to work, women spent three times as much time on domestic and childcare activities as men in 1985. In 1975 they had spent four times as much time on such tasks. Although women constitute a growing part of the labour force, this is not matched by a corresponding increase in the amount of time spent by men on work in the home.

1.3.5 Unemployment

69. 78.4% of men and 48.5% of women form part of the labour force in the Netherlands. In 1991 4.7% (325,000 persons) were officially registered as unemployed, representing 4.6% of working men and 4.8% of working women. Though lower by 20,000 than the 1990 figures, the decline was greater among men than among women. The official figures do not however reflect the true extent of unemployment among women. For instance, only 30% of women wishing to return to work are registered with job centres. This is the phenomenon of hidden unemployment. Unemployment was estimated in 1990 to be 10.5% among women, and 5.3% among men, while in the 35-44 age group, the rate of unemployment among women was estimated to be as much as three times that among men. This figure takes account of the job seekers who are not registered with job centres.

70. In May 1991 183,000 men and 122,000 women were registered as unemployed, representing 4.3% of men and 4.5% of women in the work force, or 4.4% of the total work force. Over the last two decades the rate of employment has barely increased, while the population between the ages of 15 and 64 has grown by 2 million in the same period.

1.3.6 Social security

71. The Netherlands has built up a comprehensive system of social security over the past few decades. The obligation of central government to provide social security and financial assistance is laid down in the Constitution. Recent OECD estimates suggest that the entitlement to social security benefits in the Netherlands ranks among the highest in the world. The Dutch social security system is further notable for the fact that a comparatively large number of persons are in receipt of benefits, while the proportion of the population in employment is extremely low by international standards. Whereas in 1970 one person in seven under the age of 65 was

dependent on a social security benefit, the figure in 1990 was one in three.

72. The social security system in the Netherlands consists of various components, beginning with the compulsory national insurance scheme based on such legislation as the General Old Age Pension Act and the Widows' and Orphans' Benefits Act. In addition, sickness, disablement and unemployment benefits are payable to employees and persons classed as employees for the purposes of the relevant Acts. Contributions to these schemes are compulsory for both employers and employees.

73. Further legislation covers health insurance and supplementary regulations, and under the National Assistance Act the government is obliged to provide financial support for persons whose income or capital provide an insufficient means of support. In 1990 266,800 women and 18,100 men were in receipt of payments under the Act.

1.3.7 Division of time

74. Comparison of the division of time of people aged 12 years and over reveals differences between men and women. The average amount of time devoted per day to household tasks is 57 minutes for men, and 3 hours and 22 minutes for women. Child care takes up 12 minutes of men's time, and 32 minutes of women's time. Men spend 3 hours and 38 minutes a day on occupational activities; the average for women is 90 minutes.

Average division of time per day of population aged 12 years and over (1987)

	Women	Men
	hours:minutes	hours:minutes
Shopping	0:42	0.26
Household tasks	3:22	0:57
Child care	0:32	0:12
No. of persons	3393	2998

Source: Central Statistics Office, Division of Time Survey, 1987, 1989

75. Over the past few decades an increasing amount of leisure has been devoted to such pursuits as reading, visits to the theatre, sight-seeing, club membership, etc. Some three-quarters of weekly leisure activities are of this kind; the remaining time is spent in visiting or entertaining friends and relatives.

76. Less time is now spent watching television than in the early 1980s, when a drop in purchasing power probably obliged many people to seek an inexpensive means of entertainment. The recent rise in prosperity has opened up more possibilities for leisure activities.

1.4 Public administration

1.4.1 Political structure

77. In 1954 the Netherlands, Suriname and the Netherlands Antilles (then including Aruba) agreed upon a new constitutional order in which the Kingdom, while remaining a sovereign entity under international law, would henceforth

consist of three equal partners, each with its own distinct identity and with full autonomy in its internal affairs. Suriname seceded from the Kingdom in 1975. Under the Charter for the Kingdom of the Netherlands, Aruba became a separate constituent part of the Kingdom in 1986, endowing it with the same constitutional status as the Netherlands and the Netherlands Antilles.

78. The revised Constitution of the Netherlands entered into force on 17 February 1983.

79. The Netherlands is a constitutional monarchy with a decentralised system of government. The political system is based on multi-party representation in Parliament. The Sovereign and ministers constitute both the Crown and the executive authority, and share legislative powers with Parliament.

1.4.2 Parliament

80. The States General, or Parliament, consists of the First Chamber, which has 75 members indirectly elected every four years by the provincial councils, and the Second Chamber, whose 150 members are elected every four years by universal suffrage of all citizens over the age of 18. Parliament, together with the Sovereign and the ministers, is the supreme legislative authority.

81. The number of women elected to the First Chamber is rising. In 1981 they comprised 21.3% of the members, whereas in 1991 the proportion rose to 28%. Similarly, the proportion of women in the Second Chamber rose from 14.7% in 1981 to 25% in 1989.

1.4.2.1 Tasks and functions

82. The principal tasks of the Netherlands Parliament are to

scrutinise and influence government policy and administration. The functions of parliament in the practical sense vary considerably according to circumstances. There may be substantial differences between its tasks and functions or, in other words, between standards and practice.

83. The two Houses act as a check on the power of the executive through the exercise of three rights:

the right to approve the annual budget in conjunction with the government;
the right of inquiry, which it may exercise by instituting committees of inquiry independently of the government;
the right of interpellation, by which it may question ministers and state secretaries about present or projected policy.

The Second Chamber possesses two additional rights:

the right of amendment, relating to Bills before the House;
and the right to propose legislation.

1.4.2.2 Duration of Parliament

84. The members of the First Chamber are elected every four years by the provincial councils. The Second Chamber is elected by universal adult suffrage every four years, but if the government falls and is dissolved by Royal Decree a general election will be held before the end of this term.

1.4.2.3 Electoral system

85. Elections for seats in the Second Chamber are based on the system of proportional representation, which means that each party gets a share of the seats proportional to its share of the votes. It is assigned the number of seats corresponding to its share of a quota consisting of the total number of votes

cast divided by the number of seats in the House (150). If any seats are still vacant they are assigned according to the d'Hondt rule, by which the electoral threshold (1/150 = 0.66 of the votes) is regarded as equivalent to the quota. These seats then go to the parties with the highest average number of votes per seat.

86. The country is regarded as one single constituency for electoral purposes. There are 19 electoral regions in which the parties can register their lists of candidates, but they are of no significance for the actual distribution of seats in the House as that is determined on the basis of the results of the election in the country as a whole. All the votes cast for a particular party are totalled up when calculating the result.

87. The elector votes not for a single candidate but for a list of candidates. Political parties decide the order in which candidates are placed on their lists. It is possible for voters to express a preference for a particular candidate and thus to influence the place occupied by him or her on the list, but to be elected by this means the candidate must win at least half of the list quota, i.e. the number of votes for a list in a specific electoral region divided by the number of seats it has won. The rest are allocated to candidates in the order that they stand on the list. Many voters vote for the first candidate on the list. This means that the list order imposed by parties is rarely disturbed (since in order for that to occur, candidates who are lower down the list must win at least half of the list quota). In practice, therefore, the order imposed by the parties is very important.

88. Manhood suffrage was introduced in 1917, and universal suffrage in 1919.

89. There is little difference between the numbers of men and women who vote in general elections, which has remained much the same since the abolition of compulsory voting in 1970.

Percentages of men and women voting in general elections, 1971-1989

	1971	1982	1977	1981	1982	1986	1989
Men	87.4	90.5	91.3	92.5	89.2	93.0	91.0
Women	86.0	89.1	91.0	94.4	88.7	93.0	94.0

Source: Netherlands Voting Survey 1971-1989

1.4.2.4 Political parties

90. A fairly stable multiple party system has existed in the Netherlands for over a century.

91. A revolutionary change in Dutch politics occurred in 1917 with the settlement of the controversy surrounding the funding of denominational schools and the extension of voting rights to all adult males. The constituency system was then replaced by proportional representation. Previously, the political parties had been sharply divided, virtually precluding any form of cooperation.

92. The years between 1917 and 1967 saw the growth of parallel institutions on a sectarian basis, governed by a 'pacification policy' by which political parties tried to work together and to avoid polarisation. There was a high degree of electoral stability because people voted for the party reflecting their own sectarian views.

93. In the course of the 1960s the denominational parties began to lose ground as a result of the growing secularisation

of society, leading in the following decade to the fusion of three denominational parties in the Christian Democratic Party (CDA). At present there is a moderate multi-party system consisting of four major parties, the CDA, the Labour Party (PvdA), Democrats'66 (D'66) and the Liberal Party (VVD), and an appreciable number of small parties.

94. It is of course in the interests of political parties to have their candidates elected to legislative bodies such as the Second Chamber, the provincial councils and the municipal councils. They pursue policies based on their party platforms.

95. Membership of a political party is governed by conditions laid down in the party's statutes. They include a minimum age and the requirement that members have Dutch nationality or be domiciled in the Netherlands. Some parties also specify membership of a particular church. No more than a small percentage of the population actually join political parties. Indeed, membership of most parties has declined markedly since the 1960s, dwindling from 10% of the electorate in 1960 to 3.2% in 1991.

Of the four major parties, the figure of 23.2% of women in the CDA is notable in comparison with 40% in the PvdA and D'66, and 37% in the VVD. The number of women in the executives of the major parties is small in proportion to the number of women members.

1.4.3 The Government

96. Ministers are appointed by the Sovereign on the recommendation of a 'formateur', who is usually the Prime Minister in the new Government. Ministerial posts are apportioned amongst the coalition partners on the basis of their seats in the House. A number of ministers without portfolios are also appointed.

97. As laid down in the Constitution, the Government and the two Houses of Parliament together constitute the legislative authority. The Government concludes treaties and directs national policy. In the context of its domestic policies, it appoints queen's commissioners, burgomasters and the judiciary.

1.4.3.1 Composition

98. The Government formally consists of the Queen and the Cabinet comprising the ministers and state secretaries.

99. The present Cabinet, headed by Prime Minister Lubbers, took office in 1989. 21.4% of ministers and 30% of state secretaries are women.

1.4.3.2 Council of Ministers

100. The main tasks of the Council of Ministers are to make decisions and to coordinate government policy. The state secretaries, who are delegated political responsibility for specific areas of activity by the ministers heading their departments, may be invited to take part in the Council's regular meetings in an advisory capacity, but have no permanent seat and no vote.

1.4.3.3 Ministerial responsibility

101. Ministerial responsibility implies that ministers are personally accountable to both Houses of Parliament. The same rule applies to state secretaries, who work under the supervision of the ministers of the departments to which they are attached.

1.4.4 Government departments

102. The thirteen government departments each have their own area of responsibility, and are headed by a minister, who is often assisted by one or more state secretaries. The Prime Minister directs the Ministry of General Affairs. The ministers and state secretaries are answerable to Parliament for the actions of their departments and of individual civil servants.

103. In 1990 the civil service establishment comprised 147,904 persons, of whom 107,236 were men, and 40,668 women. The proportion of women at the top levels of the civil service has gradually increased to 8.1%.

104. The ministries are organised on bureaucratic lines characterised by diversification and a hierarchical structure based on qualifications. Diversification reflects the division of labour within the departments, ranging hierarchically from the most senior level (the secretary-general and his office) down through departments, divisions and sections.

105. Their work involves contact with individual citizens, social organisations, trade and industry, action and pressure groups, members of parliament, local authorities, other ministries and international organisations.

1.4.5 Advisory bodies

1.4.5.1 Council of State

106. The Council of State is the highest advisory body in the Netherlands, and its views must be sought on all proposed legislation. As the head of state, the Queen is the President of the Council, but she does not take an active part in the Council's work. The Vice-President is responsible for the day-

to-day work of the Council, which consists of a maximum of 28 members who are appointed for life.

1.4.5.2 Audit Office

107. The function of the Audit Office is to monitor the management of state funds. Its annual report is presented to the Crown and the States General, and is published by the Second Chamber. The three members of the Audit Office, the presidency of which is a Crown appointment, are each assisted by a deputy.

1.4.5.3 National Ombudsman

108. The National Ombudsman Act entered into force on 1 January 1982. The ombudsman investigates individuals' complaints against public authorities. He or she acts entirely independently, and is appointed by the Second Chamber for a term of six years.

1.4.6 Judiciary

109. The judiciary is entirely independent of the Government. All courts are presided over by judges appointed for life. The system of trial by jury does not exist in the Netherlands. The administration of justice rests with 62 cantonal courts, 19 district courts, 5 courts of appeal and the Supreme Court. The 26-member Supreme Court has the power to overturn decisions of the lower courts. Unlike similar bodies in other countries, it does not have the power to declare an Act of Parliament null and void on the ground that it conflicts with the provisions of the Constitution.

1.4.7 Provinces

110. The Netherlands consists of twelve provinces, each of which is administered by its Provincial Council, Provincial

Executive and Queen's Commissioner. The provincial councils are elected by the inhabitants of the provinces concerned, and they in turn elect the members of the First Chamber of the States General. The queen's commissioners, who are appointed by the Crown, preside over both the provincial councils and the provincial executives.

111. 29.6% of the provincial councils elected in 1991 are women; the figure for the provincial executives is 23.7%. The queen's commissioners do not at present include women.

1.4.8 Municipalities

112. Municipalities are administered by a municipal council, a municipal executive and a burgomaster. Like the Second Chamber of the States General and the provincial councils, the municipal councils are elected by direct vote. The executives are elected by the councils, and the burgomasters are appointed by the Crown.

113. In 1990 8% of the burgomasters, 22% of the councils (as against 3.7% in 1958) and 17% of the executives were women.

1.4.9 Water Control Boards

114. The water control boards are public bodies responsible for water management in specific areas. The board members are elected by local property owners, and the executive committees and chairpersons are appointed by the Crown.

115. Four percent of the chairpersons are women.

1.5 The judiciary

116. The formal sources of law in the Netherlands are Acts of Parliament (in the substantive sense), case law, custom and treaties. A distinction is made between law in the formal

sense (enacted by the Government and the States General) and law in the substantive sense (all general administrative orders, decrees, municipal by-laws, etc. issued by the competent authorities).

117. The courts have the power to test the constitutional and statutory validity of the latter categories of laws, but not to review the constitutionality of Acts of Parliament and treaties. Pursuant to Article 94 of the Constitution, they may test the validity of Acts of Parliament against the provisions of treaties in so far as the latter are binding on all persons.

1.5.1 Treaties

118. An international treaty becomes a formal source of law when it is ratified. The treaty is signed by or on behalf of the Government with the (tacit) approval of Parliament. Only then can it be ratified in accordance with the official parliamentary procedure: the Second Chamber may introduce amendments (such as reservation clauses) before passing a Government Bill sanctioning a treaty. The Bill is then sent to the First Chamber, which must pass it or reject it in its entirety. After its passage through Parliament the Bill becomes law when it receives the royal assent and is signed by the ministers concerned. Finally, ratification takes place.

119. Whether or not citizens can directly invoke the provisions of a treaty depends on whether the provisions in question are self-executing. In accordance with the obligations of treaties, provisions which are not deemed by the court to be self-executing must be converted into national law.

120. Article 94 of the Constitution specifies that statutory regulations in force within the Kingdom shall not be applicable if they are in conflict with provisions of treaties

that are binding on all persons or of resolutions by international institutions. Whether a provision is 'binding on all persons' depends on the wording of the provision. Such a provision is self-executing, and can be directly invoked by citizens petitioning the courts.

121. The wording of a provision is central to the decision of the court in that it determines the binding force of the provision. That some provisions are intended solely as guidelines is clear from the parliamentary debate on the Bill introducing the present Convention, when it became apparent that the term 'appropriate measures' leaves the parties free to frame their own policies and is thus obviously not of a self-executing nature. Some of the Convention's provisions relate to rights that are safeguarded in other conventions in provisions which must be deemed to be self-executing, such as equal voting rights and the right to stand for public office (article 7).

2. The position of women

This section does not attempt to provide an exhaustive survey of the position of women in the Netherlands as the entire report is devoted to this end. The points selected for discussion are the women's movement, sexual violence and women in ethnic minorities. The selection is partly based on General Recommendations Nos. 12 (eighth session, 1989) and 19 (eleventh session, 1992) of the Committee on the Elimination of Discrimination against Women relating to violence against women. Other reasons for selection are the importance of the topics and the fact that they do not fall into the scope of either one of the articles, discussed in part II of this report.

2.1 The women's movement

122. The women's movement in the Netherlands can be traced

back to the turn of the century, when women in well-to-do intellectual circles demanded the same rights as men in education and eligibility for public office. Later, working-class women began to press for improvements in their economic and social position. The enfranchisement of women in 1919 was the result of pressure from both groups. In response to international trends, the women's movement again came to the fore in the 1960s.

123. One of the main characteristics of the women's movement in the Netherlands is its multiformity. It covers a multiplicity of feminist groups and trends aimed at combating the oppression of women. The 1980s saw a tendency towards further institutionalisation and liberalisation.

124. The women's movement and emancipation are inextricably interwoven. Many improvements in the position of women stem from the activities of at least one part of the movement, which is often the first to pinpoint the mechanisms which perpetuate the inequality existing between men and women in our society. Above all, the women's movement helps women to become aware of their disadvantaged position and to take steps to end it.

125. Women often form a separate section in political parties and trade unions as a base for their efforts to bring about change. The trade union federations have women's sections and practically all the political parties represented in parlement have separate women's organisations. In addition, the women members of parliament are united in an all-party women's organisation. Professional women set up women's networks and there is virtually no social institution without a women's organisation.

2.2 Sexual violence

126. In the 1970s there was a growing tendency for the victims

of sexual crimes not to report the attack to the police. The number of such crimes reported to the police declined in the early 1970s from 84 to 65 per 100,000 inhabitants, presumably as a result of the greater tolerance of sexually deviant behaviour at the time of the sexual revolution.

127. Between 1975 and 1985 the total number of reported sexual crimes again rose from 65 to 78 per 100,000 inhabitants, but fell to 75 in 1988. It is clear that sexual crimes are reported less often than other types of crime. Moreover, attacks by relatives or acquaintances are reported less often than those committed by strangers, especially where the most violent forms of rape or physical assault are concerned.

128. 80% of crimes of sexual violence are committed by husbands, friends, relatives and other persons known to the victim. The majority of sex crimes are committed by adult males, most of whom are under the age of 35. These crimes extend to all levels of society.

129. Research has shown that one in three women experience some form of sexual abuse before the age of 16, and that 16% of women have experienced some form of sexual abuse by relatives before the age of 16. Over 20% of women have at some time been subjected to violence by their partners, more than half such instances being of a serious or very serious nature. One in fourteen women have been raped or coerced into sexual intercourse by their partners. Research has also revealed that more than half the women in paid employment outside the home have experienced sexual harrassment at work.

130. The number of convictions for sex crimes has declined markedly since 1950, falling from 5.9 to 4 per 100,000 inhabitants between 1975 and 1982. This is largely attributed to a sharp drop in convictions for indecent assault.

131. Conversely, convictions for rape have increased in recent

years, rising from 1 per 100,000 inhabitants in 1970 to 1.5 in 1980 through a greater readiness to report such crimes and a higher incidence of rape cases. In the 1980s convictions for sex crimes of all kinds rose from 4 per 100,000 inhabitants in 1982 to 6 in 1988. There has been a tendency in recent years to impose heavier sentences for crimes of sexual violence.

132. Shelters for women and children subjected to sexual abuse were established some years ago by women's groups. These include the "Don't touch me" shelters, "Women against rape", "Against her will", "Keep your hands to yourself", "The red thread" (a prostitutes' organisation) and "Action against trafficking in women". The government has been concerned to reduce sexual violence since the early 1980s, and provides financial support for the above and similar organisations.

133. The women's movement has brought about changes in the perception of sexual violence. It is now recognised as a social problem and as one of the most harrowing expressions of the differences in power between men and women. There is now a greater realisation that sexual violence is more than simply rape and assault. Attention is now focused both on the provision of adequate support for victims and on the prevention of sexual violence.

2.3 Women in ethnic minorities

134. Women in ethnic minorities are in a disadvantaged position in a number of ways. The problems and difficulties they experience are often connected with the opportunities offered by the Dutch community. In many cases they are unable to avail themselves of these opportunities because of their inadequate education and work experience, and because of the different values and norms in their own communities, including different traditions relating to the division of tasks and responsibilities between men and women, which place them in an isolated position.

135. The picture presented by the labour market is not encouraging. Though relatively more migrant women than Dutch women work outside the home, it is usually in low-status jobs or industrial sectors with poor working conditions.

136. In 1982 the government introduced a plan called Women and Minorities Policy aimed at the development of instruments which would help to give women in ethnic minorities greater access to such social amenities as education, welfare and health care, to the labour market and to sources of information, and at the same time to bring those services and facilities more into line with their specific needs.

137. Special projects were set up to create employment in the police force and the caring sector, to encourage cooperative ventures in the clothing industry, to support women's organisations, to promote education and better health care, to assist women and girls leaving home, and generally to provide more information through the media.

138. The specific aim of all projects was to encourage women in ethnic minority groups to take an active part in activities both in their own communities and in the women's movement in general. They were carried out in close cooperation with the institutions concerned.

139. When the Women and Minorities Policy Plan was completed in 1991, the results showed that the initial aim had been achieved through the transference of the methods developed in the projects and the translation of the findings into new policy. This marked the end of the experimental stage. Over the next few years attention will continue to be focused on women in ethnic minorities with the integration into government policy of the knowledge and recommendations to have emerged from the plan.

3. Emancipation policy[1]

140. The Netherlands government has pursued an official emancipation policy since 1974. It has been coordinated by the Ministry of Employment and Social Affairs since 1982. The government will continue to regard the promotion of equal opportunities as one of its principal tasks in the years ahead. Emancipation policy demands a cross-sectoral approach, its aims must be realised in various policy areas for which different ministers are responsible. Each government department has its own emancipation policy, which in most is incorporated in the organisational structure.

141. All relevant measures taken by the government departments concerned have to be coordinated at the various stages of preparation and implementation. Moreover, in framing policies of a more general nature, each department identifies those aspects that have a bearing on the position of women so that they can be taken explicitly into account in the final decision-making.

142. The government also pursues a specific emancipation policy. Here, too, it utilises such instruments as legislation, positive action or preferential treatment, information, research and the provision of subsidies.

143. The municipalities are likewise concerned to promote greater equality. Central government confines its efforts at this level to encouraging the identification of new target groups and new areas of activity, and the forging of new instruments. To provide further support, it has set up regional emancipation offices which are to be transferred to the provinces and the three large municipalities in which they

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[1] In the Netherlands, the term "emancipation" is used to encompass all aspects of women's liberation and equal rights and opportunities. Government policy for the advancement of women is therefore commonly reffered to as "emancipation policy".

are located on 1 January 1993.

3.1 Aims and objectives

144. The ultimate aim of the emancipation policy is the creation of a society in which all individuals are possessed of equal opportunities, rights, freedoms and obligations regardless of sex or marital status.

145. The realisation of this aim presupposess achievement of the following:

(a) equal rights for men and women;
(b) structural changes eliminating sex differences as a cornerstone of the social order;
(c) elimination of stereotyped images of masculinity and femininity.

146. The government deploys the following instruments in the implementation of its emancipation policy: information, legislation, positive action, research and the provision of subsidies. These areas of activity are discussed in detail in the report on article 2.

4. The Convention

4.1 Date of entry into force

147. The accession of the Netherlands to the Convention on the Elimination of All Forms of Discrimination Against Women was sanctioned by Act of Parliament of 3 July 1991. The Convention entered into force on 22 August 1991.

4.2 Ratification procedure

149. The Convention was signed on behalf of the Netherlands in July 1980 at the World Conference of the United Nations Decade

for Women held in Copenhagen. Though preparations for a Bill sanctioning accession to the Convention - a precondition for ratification - were set in hand at once, it was not presented to the Second Chamber until 1985, or passed by the First Chamber until 1990. It finally became law in the Act concerning the Convention on the Elimination of All Forms of Discrimination Against Women of 3 July 1991.

150. It was thought at first that national legislation prohibiting discrimination on sex and some other grounds was a necessary precondition for sanctioning in that it would enable a series of obligations under the Convention to be fulfilled. The Bill introduced in 1985 modified this requirement and opened the way to discussion of the ratification. The discussions on the idea of prior national legislation between 1979 and 1985 delayed the approval of the Convention.

151. The first draft of the Bill as submitted in 1981 to the advisory bodies included reservations relating to military service and pension rights. Consideration was later given to the addition of others. The Act now in force contains no such clauses.

152. The Convention imposes a number of obligations on the Kingdom, most of which are met by existing statutory or administrative measures (see the discussion of the individual articles), though a few amendments or new statutory or other measures are still required.

4.3 Reports to Parliament

155. The Second Chamber of the States General introduced an amendment to the sanctioning Bill making it mandatory for the government to report to Parliament on the implementation of the Convention in 1995 and at four-yearly intervals thereafter.

4.4 Operation of the Convention in Dutch law

156. An important implication of the Convention for Dutch law is its preventive force in both legislative and judicial terms. The question of whether the Convention accords women direct rights depends on how the courts interpret its various provisions. It is for the courts to decide whether specific provisions are of a self-executing nature.

PART II BY ARTICLE

ARTICLE 2 ELIMINATION OF DISCRIMINATION

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and to this end undertake:

General

157. One of the main objectives of Dutch emancipation policy is to guarantee equal rights for men and women (see article 3 for a fuller account), which not only means ensuring equal rights in formal terms but also actively pursuing anti-discrimination policies in all policy fields. This approach represents the first step towards eliminating existing inequality in the private sphere and in society as a whole. Equality means equal rights in equal situations. Sometimes, women's circumstances may require different treatment from men (and vice versa), in which case policy will seek to deal with unequal situations caused by biological factors or by disadvantages in society. Such circumstances may justify unequal treatment, for example in the form of maternity leave and preferential treatment for women.

Four-year reports on the Convention to the Dutch parliament

158. The Dutch parliament requested that the legislation ratifying the Convention to eliminate all Forms of Discrimination against Women should include provisions obliging the government to submit a report to parliament on the implementation of the Convention in the Netherlands in 1995 and every subsequent four years. The explanatory notes state that the report must consist of "an actual review of the situation with reference to the equal treatment of women in every conceivable field". The views of the Emancipation Council and Equal Opportunities Commission must be taken into

account. The obligation to submit reports to parliament is a new development in Dutch implementation of human rights conventions. The time interval has been chosen so that the reports are always submitted to parliament one year before the second and following Dutch CEDAW reports. Conclusions which are drawn in the course of parliamentary debates on the reports may therefore be included in the Dutch second and subsequent CEDAW reports.

(a) **To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure through law and other appropriate means the practical realization of this principle.**

159. Article 1 of the Dutch constitution defines the principle of equality of men and women as a binding injunction to provide equal treatment and a prohibition on discrimination:

> "All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted."

160. This article applies to all the activities of the authorities including legislation, public administration and the courts. The article may have further application in private law.

161. The principle of equal treatment for men and women is the basis of numerous acts of parliament and is expressly stated in some of them. Other pieces of legislation have been specially developed to lay down and elaborate the ban on discrimination. The report examines these pieces of legislation with reference to the articles of the convention. Equal rights for men and women is used as the basic principle for proper administration in cases under administrative law.

162. The Dutch courts have limited powers to test the validity of legal provisions. They can determine whether lesser regulations comply with acts of parliament and the Constitution but they are not empowered to evaluate whether legislation and conventions comply with the Constitution. That is the role of the national legislature. However, under section 94 of the Constitution, the courts may test the validity of acts in relation to the provisions of conventions, in so far as the provisions are binding on everyone (i.e. have a direct effect). In the Dutch courts, a clear development can be seen as regards application of article 94 of the Constitution. Judgements of the courts in which legislation is tested against international anti-discrimination provisions (for example article 26 of the International Convention on Civil and Political Rights; ICCPR) are no longer rare. In the last few years for example, the courts have ruled that the Dutch law relating to names (under which children take the name of their father and the parents have no choice in the matter) or the General Widows and Orphans Act (which gives widowers less of a claim to benefit than widows) contravene article 26 of the ICCPR. In this way, the government will be obliged to amend the regulations concerned to bring them into line with the principle of equality, although the courts usually respect the right of the legislature to determine the course which is to be adopted to introduce the changes.

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

<u>Legislation on equal employment opportunities for men and women</u>

163. Dutch legislation on equal employment opportunities for men and women has largely come into being by way of implementation of directives (framework acts) of the European Communities. For example the Equal Pay Act (1976) was passed

in response to the first directive (1975) and the Equal Opportunities Act (1980) and the Equal Opportunities (Public Service) Act (1980) in response to the second directive. These three acts were combined in 1989 into the revised version of the Equal Opportunities Act. The various commissions which operated under the acts were also combined into a new commisison, the Equal Employment Opportunities Commission. For a more detailed account, see article 11, paragraph 1 (d).

Discrimination on the grounds of sex as an offence

164. The act of 14 November 1991 (Bulletin of Acts, Orders and Decrees 623) adds several provisions to the Criminal Code making it an offence to discriminate on the grounds of race, religion, beliefs, sex, heterosexuality or homosexuality. This amendment to the law which came into force on 1 February 1992 has strengthened existing criminal anti-discrimination legislation and "sex" has been added to the grounds on which discrimination is forbidden. The changes are based on the principle that making such forms of discrimination an offence under criminal law will have a normative effect and will help to eliminate both discrimination and aggression against women, among others. The amendment takes the requirements of the Convention on the Elimination of All Forms of Discrimination against Women into account. The definition of the term discrimination in article 90 quater of the Criminal Code, (which had originally been taken from the Convention on Racial Discrimination) has been widened and now states as follows:

> "Discrimination or discriminating shall mean any form of distinction, exclusion, restriction or preference which aims to or results in the recognition, enjoyment or the exercise on the basis of equality of human rights and fundamental freedoms of a political, economic, social or cultural nature or in other areas of life in society being nullified or impaired."

165. Article 137d of the Criminal Code (incitement to hatred, discrimination or violence in writing, pictures or orally) widens the grounds on which discrimination is prohibited to include "heterosexuality or homosexuality" and "sex". The Explanatory Memorandum does not exclude the possibility of action being taken against pornography under the provisions of this article, for example when illustrations are accompanied by text which when combined with the illustrations constitute incitement to hatred or discrimination or violence against women.

166. Furthermore, taking part in or supporting discriminatory activities (by giving money or any other form of substantive support), including on the grounds of sex, is no longer a non-indictable offence but has now become an indictable offence (article 137 f of the Criminal Code). Article 429 quater of the Criminal Code, (discrimination in the exercise of an office, occupation or business) considerably widens the grounds on which discrimination is prohibited, among other things by the inclusion of "sex".

167. Proposed legislation concerning equal treatment of men and women in private insurance schemes.

168. Bills are currently before parliament by way of implementation of the EC directive (1986) concerning the equal treatment of men and women in private insurance schemes. See article 11, paragraph one, section (e).

Proposal for a General Equal Opportunities Act

169. The Dutch government has submitted a bill to parliament which includes general regulations for protection against discrimination on the grounds of religion, belief, political opinion, race, sex, heterosexuality or homosexuality or marital status (parliamentary document 22 014, no. 2, 25 February 1991) in order to give further substance to the

principle of equality as set out in article 1 of the Constitution. The Dutch government feels that the recognition of the personal dignity of the individual means that everyone must be able to exercise his/her rights and freedoms freely and to take part in the life of the community without being disadvantaged because of personal characteristics and features, for example based on prejudice or the sensitivities of others. Nevertheless, discrimination still happens in everyday life. Time and again it has become apparent that the recognition of the personal dignity of the individual requires government action in order to guarantee individuals and groups of people the freedoms and rights to which they are entitled. The recognition of the personal dignity of every individual must therefore be embodied in legislation which protects their rights. The bill before parliament creates legal certainty by clarifying the working of the constitution on equal treatment in horizontal relationships. It will thus enable citizens to resist discrimination better at law and elsewhere.

170. The proposed legislation prohibits discrimination in important areas of life in society such as employment, housing, welfare, health care, sport, culture, education and information on the choice of school and career. The exceptions are summarised briefly below:

- preferential or positive action policy (women and members of ethnic minorities may be placed in a preferential position in order to eliminate disadvantages);
- when goods or services are offered in the private sphere, allowance may be made for the private nature of the arrangement (for example a woman looking for a companion or a private individual who rents out a room in his/her own home);
- cases which involve the protection of women (pregnant women or mothers) or cases in which sex is the determining factor (for example fashion models, dressers or singers).

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

General

171. Within the Dutch system to protect human rights, Article 1 of the Constitution can always be used against discriminatory acts directly or in conjunction with the provisions of the Civil Code, which contain a general prohibition on unlawful acts. Specific anti-discrimination legislation exists in addition to these general forms of rights protection. Implementation of anti- discrimination provisions under criminal law is primarily the responsibility of the Public Prosecutions Department but if a punishable offence is not prosecuted, a party who is directly involved can submit a complaint to a court of appeal, which can issue instructions for a prosecution, if necessary (Article 12 of the Code of Criminal Procedure). For compliance with legislation concerning the equal treatment of men and women (and the General Equal Opportunities Act if parliament approves the proposed legislation) people may have recourse to the courts or an Equal Opportunities Commission which will give a judgement about the applicability of the legal standards to a specific situation (See below).

Equal Employment Opportunities Commission

172. The Equal Employment Opportunities Commission operates under the provisions of the Equal Opportunities Act (Bulletin of Acts, Orders and Decrees 1989, 168 and 169) and monitors compliance with the Act and of article 1637ij of the Netherlands Civil Code, which stipulates that men and women must be treated equally in employment contracts under civil law. On request or at its own initiative the Commission can

investigate whether a distinction is being made as referred to in the Equal Opportunities Act or in article 1637ij of the Civil Code and can make its findings known to the parties concerned. The findings of the Commission do not have any legally binding force. but in practice they have a major influence on the attitude of the parties concerned. If legal proceedings ensue, the assessment of the Commisison often has an important bearing on the outcome. If the Equal Opportunities Act comes into being, the Equal Employment Opportunities Commission will be succeeded by a new Equal Opportunities Commission (see below).

Group action

173. Since 1989, the Equal Opportunities Act has included a new article 20 a which allows for the possibility of group action. Legal persons who represent the interest of persons who would be able to invoke the Equal Opportunities Act or article 1637ij of Book 7a of the Civil Code, may go to the courts on behalf of such persons, and request the courts to declare a practice unlawful, to prohibit it or request that an order should be issued to nullify the consequences of that action. This possibility is especially important in cases where it is unclear which persons' interests could specifically be affected by actions which may be discriminatory. The first occasion on which use was made of the new section of the act involved a complaint by a feminist organization which asked the court to prohibit the practice of a higher vocational education institute of reserving 50% of its places for male students although women form 60 to 65% of would-be students. This case is still in progress. The proposed Equal Opportunities Act also makes provision for group action.

New Equal Opportunities Commission

174. If parliament approves the new Equal Opportunities Act (AWGB), the existing Equal Employment Opportunities Commission

will be replaced by a new Equal Opportunities Commission which will work in the field covered by the AWGB and will have more powers, staff and a larger budget. The new Commission will also be able to conduct investigations as a result of complaints or examine on its own initiative whether unauthorised distinctions are being made systematically in a particular sector of society. The new Commission will have the power to submit cases of alleged discrimination to the courts.

Aid for victims

175. The Dutch government feels it is important to devote special attention to the position of victims of sexual violence. Since 1984, the Ministry of Social Affairs and Employment has been subsidising three experimental projects to help the victims of sexual violence.

176. The National Victim Aid Organization which receives financial support from the government, provides protection for women against sexual violence. In a large number of regions, cooperation has developed between care organizations and help providers, the police and the judicial authorities which are encouraged and guided by "Against Sexual Violence", a non-profit organization in Utrecht.

177. When the victims of sexual violence are being helped by the police, it is very important that police officers should tell them about the existence of the centres for the victims of sexual violence. The centres have been created to deal with primary reception and emotional support, practical and legal help, compensation and, if necessary, to refer victims to a specialised care agency such as the "Stichting tegen Haar Wil" (Against Her Will). The National Victim Aid Association receives a grant from the government to provide local centres for victims.

The police

178. Obviously the police must have a respectful attitude towards women so that they can make an effective contribution towards protecting them against discrimination or other infringements of their rights.

179. For these and other reasons, steps have been taken within the framework of the Police Emancipation Plan to bring about a change of attitude within the police force as regards relationships between men and women. Four discussion videos have been produced which deal with the various aspects of the position of women within the police, one of which deals with the theme of sexual harassment and sexual intimidation within a team of police officers. Second, training courses are being developed for counsellors and the Erasmus University, Rotterdam will carry out research into undesirable behaviour and the professional attitude of the Dutch police force.

180. A number of matters are being developed as far as police training is concerned:

1. In its next series of courses, the Criminal Investigation Department College will devote attention to the problems of victims of sexual violence: General Criminal Investigation Department, Juvenile Police, Sexual Offences and Juvenile Affairs.
2. The CID Training College has developed a basic course which includes the subject of helping victims. The course is intended for people in the surveillance service.
3. The various police training courses devote attention to sexual violence and help for victims. A training video tape is being developed which will help uniformed officers to deal with victims of sexual offences.
4. The police forces are organising their own training courses and programmes on sexual offences involving sexual violence and the treatment of victims.

5. The police forces are giving their members opportunities to attend conferences etc., on this subject.

181. As part of the Police Emancipation Plan, a national anti-sexual discrimination coordinator will promote the establishment of local reporting centres at police stations, for several years. A network will be built up of local counsellors whose training will be organised by the Ministry of Home Affairs.

Public Prosecutions Department

182. The Public Prosecutions Department is responsible for identifying and prosecuting persons who are suspected of committing indictable or non-indictable offences under the Netherlands Criminal Code. A number of measures have been taken to provide members of the Department with information on the problem of sexual violence. Several courses devote special attention to how to talk to victims. Special officials have been appointed at the public prosecutors' offices who are responsible for preparing the ground for interviews with victims and for maintaining contacts with them.

The judiciary

183. The Judicial Studies Centre, the training centre for members of the judiciary, has included a two-day course on Family violence in its programme of studies since 1986. The course is mainly for judicial officials who are still being trained.

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

184. Article 1 of the Constitution applies to all aspects of government work including legislation, adminstration and the

courts. Article 429 quater of the Criminal Code states among other things that it is an offence for anyone to discriminate against persons by virtue of their sex in the exercise of an office. The existing Equal Employment Opportunities Act and the proposed Equal Opportunities also apply or shall apply to the public authorities.

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

185. The anti-discrimination legislation described elsewhere in this report does not apply solely to the public authorities - in principle it applies to all persons, organizations and enterprises in the Netherlands. In addition, the government is trying in its general emancipation policy (see in particular article 3) to contribute to a climate in society in which discrimination against women is seen as unacceptable and is also actively opposed by individuals, private organizations and enterprises.

(f) To take all appropriate measures, including legislation, to modify or abolish existing law, regulations, customs and practices which constitute discrimination against women;

186. In 1978, at the request of the Second Chamber of parliament the government published a report of 337 pages entitled "Anders Geregeld" (Dealt With Differently) listing all the provisions in acts of parliament, orders in council and ministerial decrees, which make a distinction between men and women and married and unmarried persons. On the basis of the report and three subsequent reports, systematic steps have been taken to remove or neutralise provisions in which such a distinction is considered to be unjustified. At the end of 1991, a final report was submitted the Second Chamber of

parliament bringing the operation to a close.

187. Far-reaching changes took place in the course of the operation. Provisions which made an unjustified distinction on the grounds of sex have been removed, especially in the area of social security and taxation. Major amendments have been incorporated into numerous acts in relation to the unjustified distinction on the basis of marital status. In many cases unmarried people living together have been granted the same rights and obligations as married people as part of the amendments to the legislation. This subject is covered in more detail in the report on article 16.

188. The preparations for the bill to approve the Convention on the Elimination of All Forms of Discrimination against Women devotes extensive attention to whether the Convention affects the fact that only men are required to do military service under the National Service Act. The government originally intended to include a proviso in the legislation ratifying the Convention in relation to the obligation of women to do military service, because of the very broad scope of the term "discrimination" in article 1 of the Convention. However, the Council of State - the main advisory body on proposed legislation - pointed out that although "discrimination against women" is a very broad concept, the Convention specifies that it must mean "impairing or nullifying the recognition, employment or exercise by women ... of human rights and fundamental freedoms." The Council of State therefore considered it was doubtful whether the fact that women are not required to do military service should be regarded as discrimination. Taking into account the fact that women have access to all professional positions in the armed forces, and that they can also undertake all military duties (including fighting duties [1] the government decided not to make the reservation which it had originally intended. Parliament agreed to this interpretation of the Convention.

[1] The only restrictions are on practical grounds for positions with the Royal Netherlands Marine Corps and on board submarines and small ships of the Dutch navy.

(g) **To repeal all national penal provisions which constitute discrimination against women.**

189. Dutch penal provisions do not contain any provisions which discriminate against women.

ADDENDUM TO ARTICLE 2: POLICY ON SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS

1. General

1.1 Definition of terms

190. Since 1982, the Dutch government has been pursuing a policy aimed to combat sexual violence against women and girls as part of its emancipation policy. This policy contains legal and other measures of which the latter are discussed below. Legal measures relating to rape will be discussed under article 16 of the Convention. Sexual violence includes physical violence and in particular the ill-treatment of women by their partners.

191. In principle, the terms "violence against women" as used by the United Nations and "sexual violence" which is the normal term in the Netherlands mean the same thing. As regards the definition of the latter term, it has been noted among other things that " ... the essential point is that it refers to systematic violence against women as a sex". The emphasis is on forms of violence against women which infringe the rights of women to sexual selfdetermination, which means that action to combat other forms of violence against women can be taken under other provisions. However, no examples of this are available. It is therefore assumed that the two terms mean the same thing for all practical purposes in the Netherlands.

1.2 Background

192. In 1981, at the prompting of the women's movement, the Second Chamber adopted a motion asking the government "to make the problem of violence against women a policy priority" and to submit a first policy document on the subject. In 1982, the minister with primary responsibility for emancipation policy organised a conference to which representatives of the women's

movement were invited together with representatives of the government, advisory bodies and other institutions and organizations. The findings of the conference made a major contribution to a draft policy memorandum which was submitted for recommendations to three independent government advisory bodies, the Emancipation Council, the Working Conditions Council and the Social and Economic Council. The government presented the final version of its policy document to parliament in 1984 after including the recommendations of the advisory bodies.

2. The policy document entitled "Combatting sexual violence against women and girls" (1984)

2.1 Significance of the policy document

193. Between 1984 and 1990, this policy document formed the basis of policy to combat violence against women and girls. It contains an analysis of the problem as a whole and in relation to the different ways in which it finds expression - crimes of sexual violence, the ill-treatment of women, the sexual abuse of children, sexual violence in relation to work, sexual violence in relationships with care providers, pornography, prostitution, sex tourism and the traffic in women, women refugees, and ethnic minority women. The document sets out the basis, the underlying principles and the objectives of policy. A large number of policy measures are announced in the section of the document which deals with individual areas. In view of the great significance of the policy document for the policy which has subsequently been pursued, the following section contains a summary of its starting points and objectives.

194. Since the policy document was published, considerable progress has been made and more generally, the situation in society as regards sexual violence against women and girls has clearly improved. The document therefore makes a twofold impression now. Its description and analysis of the problem and identification of necessary changes is still highly

relevant. At the same time it is striking that many desirable changes have since taken place and that a great deal of policy has been implemented or set in motion, as a result of which a great deal of progress has been made. The following account of the policy document is in the past tense in order to underline that it marked the start of government policy and that the starting position is now a long way behind us.

2.2 Developments in society which preceded the policy

195. The policy document begins by describing the developments in society which resulted in government policy on sexual violence against women and girls. The developments were initiated by the women's movement which emerged in the 1960s and flourished in the seventies. Women who belonged to the movement were voicing their opposition to the sexual violence they were suffering. They had brought sexual violence to the attention of society and had undermined the extent to which it had largely been tolerated up to that point.

196. The idea developed that sexual contacts must always be based on the consent of the parties concerned. Many people had already come to regard the idea of "rights to sexual intercourse" arising from the existence of a relationship as out-of-date. The seriousness and the extent of sexual violence against women gradually became apparent.

197. The further development of ideas and action related to three aspects of sexual violence: the place in which it takes place, the form of expression of sexual violence and the context within which sexual violence takes place. Attention originally concentrated on violence in public (assault and rape) but it increasingly switched to violence in private. The closed nature of the family and the taboos relating to discussing sexual violence which takes place within the family had probably prevented attention focusing on violence in private for a long time.

198. Other forms of sexual offences than those mentioned in the Criminal Code gradually came to light. Women became aware of the fact that some forms of behaviour by men in the public sphere which were accepted as normal, were humiliating for women. A good example of this is sexual harassment at work.

199. Gradually the idea that women usually provoke sexual violence was also rejected. It became apparent that the perpetrators of sexual violence were often not unknown, "nasty" men with personality disorders but "normal" men who knew the victim well.

2.3 Conclusions and consequences

200. These developments and insights enabled the various forms of sexual violence to be placed in relation to one another and to the position of women in society. It thus became clear that the socio-economic position of women is of special importance, but that the unequal distribution of power between men and women is not only to be found in the distribution of work among men and women. This unequal distribution of power is also present in standards that relate to forms of living together and sexuality and their institutional expression in the organization of society.

201. The policy document concluded that emancipation policy can not be confined to promoting a more equal distribution of work and of the positions in society of men and women. Combatting sexual violence as one of the serious consequences of the unequal distribution of power between men and women and as a phenomenon which serves to maintain the unequal distribution of power should form part of emancipation policy.

202. The document also stated that the developments which had been identified and the policy to combat sexual violence would also need to affect the attitude of the government and the institutions and organizations associated with it in the short

term. Until then the government service, science, health care, the care services and the judicial machinery had not played a very active role in removing sexual violence from its concealed position in the private sphere. They often regarded sexual violence as an incidental clash between two individuals or as a "family problem".

203. Sexual violence in the public sphere was still often regarded as an unfortunate incident for which the persons concerned were responsible. This gave it an incidental and individual nature, overlooking the more structural aspects.

2.4 Basis, underlying principles and objectives of policy to combat sexual violence against women and girls.

204. The basis for policy to combat sexual violence against women and girls is laid down in the Constitution, the European Convention for the protection of Human Rights and Fundamental Freedoms and the International Convention on Civil and Political Rights. The revision of the Constitution in 1983 includes the right to protection in the personal sphere and the right to the inviolability of the human body.

Article 10, paragraph 1 of the Constitution states that:

> "Everyone shall have the right to respect for his privacy, without prejudice to restrictions laid down by or pursuant to act of parliament."

Article 11 of the Constitution states that:

> "Everyone shall have the right to inviolability of his body, without prejudice to restrictions laid down by or pursuant to act of parliament."

205. These aspects are covered by articles 3 and 8 of the European Convention for the Protection of Human Rights and

Fundamental Freedoms and articles 7 and 17 of the International Convention on Civil and Political Rights.

206. The underlying principles of policy were formulated as follows:

(a) the right of women to independence in relationships and behaviour;

(b) the constitutional rights of women to protection of their personal life and the inviolability of their bodies.

It was expressly stated that the right of women to paid employment and an independent income form an important component of this.

207. A number of considerations were presented with a view to formulating the objectives of policy. It was noted that it was not generally recognised that this is a social problem and not a problem of individuals or individual relationships. The link between sexual violence and the position of women in society was not generally recognised either. Women and girls needed to become aware that they do not have to accept sexual violence either physically (sexually) or psychologically as normal or inevitable. Increasing their physical and mental resilience was therefore considered to be extremely important.

208. Men and boys would have to change their attitudes towards themselves and their sexuality. They would have to be encouraged to think more positively about the independent position of women, including in sexual terms. Attention would therefore have to be paid to men as the possible perpetrators of sexual violence against women and girls. It was considered that more understanding was necessary of the reasons why men commit sexual violence against women and girls, especially since it had gradually became apparent that the perpetrators of sexual violence are often not unknown "nasty" men but normal men who know the victim well. This understanding could also provide more information about the context in which sexual violence takes place.

209. Research was considered necessary, the results of which would provide points of reference for a policy to prevent violence against women and girls. Information campaigns could also be used to change the attitudes of men and boys.

210. The objectives of the policy to combat sexual violence against women and girls were formulated as follows:

1. to increase awareness among persons who are involved in a professional capacity in combatting sexual violence;
2. to increase the opportunities for women to resist sexual violence;
3. to improve the help and facilities for the victims of sexual violence.

211. In practice, these objectives meant first making the seriousness and extent of the various forms of sexual violence visible in society, raising awareness in society in broad terms and cooperation with the women's movement to combat sexual violence.

212. The following comments, among others, were made in relation to the three objectives:

re 1: Early identification of signs of sexual violence is an important way of preventing violence from continuing. All forms of expression of sexual violence should be made more visible. As much information as possible should be compiled, by means of research which does justice to the position of female victims. A number of research projects had already been completed.

re 2. The position of victims should be strengthened by means of legislation and improvements in police and judicial procedures. Various measures should be adopted, such as issuing guidelines for the police and projects to promote expertise, in order to improve the performance of the police. It was

expected that more prompt responses on the part of the police could help to encourage victims to report sexual violence to the police.

Re 3. The feeling had grown that much larger numbers were involved than was known and that many different types of cases were involved, the consequences of which were often extremely painful. It was therefore important to create an adequate system to help victims in the short term. The help provided by the majority of existing organizations was often inadequate and there was little support for initiatives from women (often victims) for an appropriate form of help.

3. The follow-up policy document on sexual violence against women and girls

213. In 1990, the government submitted its follow-up policy document on sexual violence against women and girls to parliament, describing how it was implementing its policies or proposing to do so in the future.

214. The new policy document stated that:

- a great deal of research had been carried out in all individual fields;
- the problem of sexual violence had been clearly brought into focus in society and that the climate of opinion in society had improved dramatically, partly as a result of the government's policy;
- a large number of policy measures had been adopted, often in consultation or cooperation with groupings or persons from the women's movement and with established institutions in society.

4. Summary of policy measures

215. The account of policy in the follow-up document has been updated and revised for the purposes of this report. The detailed nature of the policy document has not been reproduced because the information would not otherwise be clear to anyone who is unfamiliar with the Dutch situation.

4.1 Research

216. Research has been conducted into all forms of sexual violence. Unless otherwise stated the research has been commissioned by the government.

4.1.1 Sexual violence within the family

217. Two national, representative surveys have been carried out into sexual violence within the immediate family and extended family.

- In 1988, a report entitled "Sexual abuse of girls by relatives" was published based on research by Ms. N. Draijer.
- In 1989, a report entitled "Violence in heterosexual relationships" was published based on research by Ms. R. Römkens.

Both reports have been published in versions for the general public. The reports give an authoritative account of sexual violence within families. The research shows that:

* 15% of women between the ages of 20 and 40 were abused one or more times in their youth by relatives;
* 25% of women between the ages of 20 and 40 had experienced sexual abuse before the age of 16 by people other than relatives
* 11% of women between the ages of 20 and 60 were

involved in a relationship in which they were repeatedly subject to moderate or serious violence by their male partner;

* 9% of women between the ages of 20 and 60 had a relationship involving occasional or slight violence from their male partner.

218. Half of all cases of sexual abuse by a father or stepfather involved serious physical violence. In man/woman relationships, physical violence against women is often accompanied by rape and/or sexual acts by force. Both research projects indicate that abuse and violence occur against a background of force, denigration, aggression, lack of warmth and attention, opinions and practices relating to the obedience and availability of women and children and about the domination of the man.

219. The research shows that the consequences for victims are extremely serious and long-lasting in many cases. There are indications that a large number of the female patients in psychiatric institutions have had serious experience of sexual violence. Women have great difficulty talking about such experiences. Both research projects contradict the idea that women and children do not oppose such treatment or that they do not send out distress signals to the outside world. They resist and give signals but the outside world fails to notice or does not believe them.

4.1.2 Background to sexual violence and motives of perpetrators

220. Universities and several institutions have published research about the background to sexual violence and the motives of the perpetrators. The research shows that the perpetrators of sexual violence are found in all walks of life and in all age categories. However, a high percentage of these people are under 35 years of age. One of the general research

findings is that perpetrators of sexual violence refuse to accept responsibility for it and often blame their female victim. Several research workers have found that the perpetrators of violence believe that women enjoy being raped and that rape is a sexual act. The research results agree to a large extent with the findings of the two representative research surveys that the perpetrators of sexual violence have a strong compulsion to live up to a traditional image of masculine behaviour and have rigid role attitudes.

4.1.3 Black and migrant women

221. Two research reports on black and migrant women were published in 1990. One project dealt with the demand for help, the help available and the gap between the two. The other dealt with the development of methods to provide black and migrant women and girls with help in reception centres.

4.1.4 Sexual harrassment at work

222. The report on policy in relation to sexual harrassment at work, is included under article 11, paragraph 1 (f). Separate research has been conducted into certain specific types of work.

4.1.4.1 Home help

223. As part of a subsidised project, Sexual Harassment in Home Help Services (STOIG) has reported on the nature and extent of this problem which shows that sexual intimidation regularly occurs. The precise extent remains unclear however, because home helps still find it difficult to talk about.

4.1.4.2 Police

224. Research has been carried out among the police into

undesirable forms of behaviour and the professional attitude of the police.

4.1.4.3 Prostitutes

225. Three research reports have been published about the working situation of prostitutes. One of them was intended to provide basic material for further discussion of the possibilities to improve the position of prostitutes in society. The other two, public versions of which have also been published, show among other things that prostitutes often have to deal with physical and mental violence from their clients and pimps.

4.1.5 Sexual violence in dependent relationships outside the family

226. Several research reports have been undertaken into sexual violence in dependent relationships outside the family and the extended family

4.1.5.1 Education

227. Grants have been made available for several years to a non-profit organization known as "Handen Thuis" (Keep Your Hands to Yourself) to prevent sexual intimidation at work. It compiled a register of complaints, showing among other things that a high percentage of complaints came from pupils at school. In 1987, the Minster of Education and Science appointed four inspectors who are responsible for identifying sexual intimidation in education, and for encouraging and helping to deal effectively with cases. The inspectors submit periodic reports about their findings and activities.

4.1.5.2 Sexual violence by care providers

228. The prevention and extent of sexual violence by care

providers have been dealt with by the national registration centre of "Women against sexual violence by care providers" and research entitled "Nature, background and effects of sexual contacts within psychotherapeutic relationships, published in 1987 in the Psychotherapy Journal (Tijdschrift voor psychotherapie). Follow-up research has been conducted into the attitude of care providers to sexual contacts with clients which resulted in the report entitled "Sexual contacts within psycho- therapeutic relationships" (1990). A remarkable result of this research is that approximately 6% of care providers who were interviewed about sexual feelings for a client said that they had sexual contact with a client.

4.1.6 Foreign women

4.1.6.1 Traffic in women

229. In 1985, a report on research into the traffic in women was published entitled "The traffic in women: research into the nature, overall extent and channels through which the traffic in women takes place in the Netherlands".

4.1.6.2 Women refugees

230. In 1984, the report was published of a study of violence against women refugees entitled "Sexual violence against women refugees; report on the nature and consequences of sexual violence which these women have experienced elsewhere."

4.1.7 Sexual violence and town planning

231. Several research projects have been carried out into (among other things) sexual violence and town planning.

- In 1987, the results of empirical research into the built-up area and crime were published.
- In the same year, a literature study was conducted into

the relationship between town planning and crime.

- As a follow-up to this project, research entitled "Social safety in the residential environment" was carried out in 1988, the results of which were published in 1989. The research shows, among other things, that physical planning measures to reduce crime are least likely to be successful in relation to crimes of sexual violence.
- In 1990, a report entitled "Het onherbergzame wonen" (Dismal Living) was published dealing with the social and planning aspects of feelings of unsafety in a number of residential districts.

4.1.8 Research to underpin policy

232. Research to underpin policy has also been conducted in conjunction with various projects and policy measures. Examples include research into the effectiveness of cooperation between care provision institutions with a view to providing better care for the victims of sexual violence and research into bottlenecks in the integration of care for the victims of sexual violence in the services provide by care institutions.

4.2 Increasing awareness and activating opinion

233. The research which has been carried out and the published reports have played an important role in increasing awareness and activating opinion. Versions of a number of these reports have been published for a wider audience in order to reinforce this role. As expected, the research, especially the major representative research by Draijer and Römkens, has received a great deal of attention from the media.

234. On the other hand, activities have been developed by or in connection with numerous projects described below which aim to raise awareness and activate opinion. Some of these activities have taken place on a national scale, others on a

regional basis. The facilities which are subsidised as part of the policy to support emancipation (which are also reported under this article) have also developed activities to raise awareness and activate opinion on sexual violence. The following measures have been taken in addition to these activities.

4.2.1 General victims policy

235. Three information projects have been carried out as part of the general victims policy of the Ministry of Justice.

- An information campaign known as "Victim support" was carried out by means of a public service broadcast (referred to in the Netherlands as the P.O. Box 51 slot) and a brochure available from all post offices and public libraries. As a result of a subsequent evaluation, the second edition of the brochure included a separate paragraph on help for the victims of sexual violence.
- Four ministries combined to publish a leaflet entitled "What to do after assault and rape". Like the brochure referred to above, the leaflet has been distributed to all police forces, among others, so they can hand it out in appropriate situations.
- A leaflet entitled "Compensation fund for violent crimes" has been issued telling victims of crimes, including sexual crimes, about the special circumstances in which people qualify for compensation from the fund.

4.2.2 Terminology of sexual violence

236. In a number of cases, the government has introduced or modified the terminology in relation to sexual violence. The term "sexual violence" originated with the women's movement and has since been generally accepted. "Sexual harassment", the term normally used in the past to denote sexual violence at work, has been deliberately replaced by the government with good reasons by the term sexual intimidation. The meaning of

the term "incest" has changed as a result of the research by Draijer entitled "Sexual abuse of girls by relatives". Nowadays it is no longer used or is used to mean the sexual abuse of children by family members, including other people than blood relatives such as foster father and stepfathers and unmarried partners.

4.2.3 Specific categories

237. In addition to the general measures designed to raise awareness and activate opinion, measures have been aimed at four specific categories.

4.2.3.1 Turkish, Moroccan and Surinamese communities

238. Three films have been produced, providing information mainly for the Turkish, Moroccan and Surinamese communities about the background to the ill-treatment of women and reception facilities for women. The films have been made by programme makers who belong to ethnic minorities. They were broadcast on television in 1990 and are available for distribution. Written information material to accompany the films and a training programme have also been produced.

4.2.3.2 STOIG

239. In response to the research, the organization referred to under 4.1.4.1, Sexual Harassment in Home Help Services (STOIG), has developed policy recommendations for institutions and works councils to promote expertise in relation to sexual intimidation. The STOIG also plays a role in the field of information, advice and research. It organises national and regional study days and issues publications.

4.2.3.3 The "Rode Draad"

240. The "Rode Draad", an organization which represents the

interest of prostitutes, receives a grant and is consulted on matters affecting policy on prostitution in the widest sense. The idea is that the association should become more of a trade union and should become financially independent.

4.2.3.4 Disabled women

241. The Council for the Disabled, a government advisory body, organised a one-day seminar in 1989 on the subject of sexual violence against disabled women. It also published a brochure containing policy recommendations on improving care facilities and prevention. It has financed a project which will attempt to put the recommendations into practice. Research is being conducted to establish the measures which can be adopted to prevent sexual violence against the mentally handicapped and to provide help when it occurs.

4.2.4 Raising awareness, activating opinion and promoting the expertise of care providers

242. Measures have been adopted to improve the quality of the help that is provided. This largely involves subsidising information, promoting expertise and developing methods. Institutions have also been encouraged to guarantee adequate help for the victims of sexual violence in their policies. Finally measures have been taken in relation to sexual violence by care providers:

- In 1990, a brochure was distributed among primary care institutions, the aim of which was to provide care providers with more information about the problem and to encourage them to take training courses.
- Also in 1990, a video with a teachers' manual was produced for social workers. The video is concerned with identifying and discussing sexual violence which clients have suffered.
- The Tegen Haar Wil (Against her Will) and Tegen Sexueel Geweld (Against Sexual Violence) non-profit

organizations, published a book entitled "Help offered after sexual violence" in 1990, describing the methods they have developed to look after victims and provide help.

- The International Conference on Sexual Abuse of Children within the Family was held in the Netherlands in 1989. The speeches at the conference and other articles were published in "Incest en hulpverlening" (Incest and care provision) which was published in 1990.
- "Leergangen Vrouwenhulpverlening" (Women's Aid Courses), a subsidised non-profit organization runs courses to promote expertise.
- As part of a general project, female staff of reception centres and out-patient care institutions are taking courses to promote expertise in relation to the provision of care after acts of sexual violence. Specific attention is devoted to migrant groups.
- A project is being carried out in intramural psychiatry which, among other things, is developing a programme for women suffering from trauma as a result of sexual violence.
- "De Maan", an organization which helps women, has developed methods to deal with traumas as a result of sexual violence.
- The Ministry of Welfare, Health and Cultural Affairs is subsidising two national support centres which are important sources of help after sexual violence. The previously subsidised national support centre is now known as "Metis" Women's Help Centre. Help for women naturally includes help after sexual violence. "Medusa", a national organization which develops policy and care provision on sexual violence is also subsidised. "Medusa" combines the insights, experience and methods which have been developed in recent years and makes them available to care providers, information services and prevention workers. These activities are integrated into the work of established care institutions. The 1992 work plan

includes a project to provide help for black and migrant women and girls. "Metis" and "Medusa" are working together, among other things to build up a data bank for users.

- The Chief Medical Inspectorate for Public Health and the Medical Inspectorate of Mental Health published a bulletin in 1988 about sexual abuse by care providers. The bulletin has been distributed on a wide scale among professional groups and professional training courses. A subsequent project has been carried out with the emphasis on prevention and providing adequate provisions for victims. The report on this project contained recommendations for further policy which has since been set in motion. In 1990, the measures adopted by mental health care institutions were reviewed.

4.2.5 Physical planning

243. A number of measures to raise awareness and activate opinion have been taken in the field of physical planning.

- In 1986, a brochure was published entitled "Stedebouw met het oog op sociale veiligheid" (Urban development with a view to social safety).
- Three brochures were published in 1988. "Veilig groen" (Safe parks and public spaces) shows by means of examples how urban areas can be laid out, re-arranged and managed to promote public safety. "Tijden veranderen" (Times change) is about emancipation and policy on housing and physical planning. "Criminaliteit en gebouwde omgeving" (Crime and the urban environment) describes all kinds of crime in relation to town planning aspects. The brochures have been distributed to a wide public.
- The Ministry of Housing, Physical Planning and the Environment (VROM) subsidises "Vrouwen Bouwen en Wonen" ("Women and Housing") a non-profit organization which, among other things, presents a prize to the municipality which pursues the most active town planning policy

against sexual violence and the threat of sexual violence.

4.3 Reception and help

4.3.1 Reception

244. Reception comprises both the initial assistance given to victims - for example when they report the crime to the police or a school counsellor - and the provision of accommodation for those frightened of further sexual assaults. Reception will of course entail the provision of initial forms of help. For expert and long-term forms of care, victims are usually referred to specialised bodies. Many measures have been taken to improve the existing forms of reception offered to victims, to provide new reception facilities and to couple identification of sexual violence with initial reception.

4.3.1.1 The Correlation Foundation

245. The Correlation Foundation is a national telephone counselling service which can be used by the media and users of the media when it is expected that a television programme, an advertisement or a media campaign will provoke an emotional response or direct appeals for halp. People who wish to respond, for whatever reason, can obtain help and information. In the case of television programmes this can even be done directly after transmission. The foundation reports back to its principals on the number of responses and their substance. In the case of long-term campaigns, interim feedback will be provided. The foundation receives an operating subsidy from the Ministry of Welfare, Health and Cultural Affairs. Its services are often called upon in the case of television programmes and campaigns relating to sexual violence.

4.3.1.2 Children's telephone help line

246. Children who have a problem of any kind can ring a special counselling and referral service for children. Since only very low call rates are charged, this form of assistance is highly accessible. A campaign entitled "There are some secrets that you should talk about" (see 4.3.2.1) has elicited a large number of calls on physical and sexual abuse.

4.3.1.3 Child abuse counsellors

247. There is a national network of 11 child abuse counselling centres. These are primarily intended as accessible places to which abuse of children of all ages can be reported. This can be done - anonymously if one wishes - by anyone who suspects that a child is being abused. A counsellor does not personally provide help, but refers individuals to regional or local care providers. Recent years have seen a sharp increase in the number of reports of child abuse, notably sexual abuse.

4.3.1.4 Inspectors and counsellors trained to identify sexual harrassment in schools

248. As stated under 4.1.5.1, the Minister for Education and Science has appointed six inspectors who are responsible for identifying sexual harrassment or abuse at schools. Two will cover primary schools, one special schools, one secondary schools, one will be responsible for vocational education and one for higher vocational and adult eduction.

249. These inspectors will note indications of sexual harrassment or abuse, refer to specialist bodies, investigate complaints and indications, and encourage the competent bodies to take the requisite steps. They can also help in laying an information with the police.

250. The policy of the Ministry of Education and Science is

geared to ensuring that every school has at least one teacher who is an expert in the field of combatting child abuse. A manual has now been published on how to set up groups of counsellors at schools. At least two teachers should form the nucleus of such groups. The manual indicates how schools can set the conditions for the prevention of sexual abuse and the provision of proper help for abuse victims in a series of careful steps taken within the wider context of the abuse of power.

4.3.1.5 The Society for the Prevention of Sexual Abuse in Children

251. This society plays an important role, providing accessible help through the medium of counsellors with first-hand experience of abuse. The Society also provides information for schools and bodies providing care. It receives a state subsidy.

4.3.1.6 Victim Support Centres

252. The Society for the National Organisation of Victim Support has set up a network of local Victim Support Centres. These centres provide initial help for the victims of crimes (including sexual crimes); they provide moral, practical and legal support, mediate in compensation claims and where necessary refer individuals to specialised care organisations. The centres are manned by volunteers, with a single salaried member of staff per centre. The Ministry of Justice subsidies the costs of salaried staff.

4.3.1.7 Police

253. Individuals who come to the police to lay an information concerning or to report sexual violence are provided with a brochure entitled "What to do after assault and rape", and are referred to the Victim Support Centre.

254. In 1986 the Ministers of Justice and of Home Affairs laid down guidelines (known as the De Beaufort guidelines) for the Department of Public Prosecutions and the police on how to deal with victims of sexual crimes. They recommend how the police - particularly the vice squad - should be organised and trained, and how to deal with victims who come to report a sexual assault, the tracing of suspects, medical examination, and the provision of assistance and information.

255. In 1987 the procurators general issued a circular (known as the Vaillant guidelines) on victim policy. It contains guidelines for the Department of Public Prosecutions and the police on, inter alia, the treatment of victims of crimes in general, the way in which victims who come to report a crime are dealt with, referral of victims to care organisations, reports on the progess of inquiries, reports on subsequent decisions by the Department of Public Prosecutions and reports on the scope for obtaining compensation.

256. Research has been carried out in order to establish how well the latter guidelines function.

257. Attempts are made improve the quality of the reception and treatment of victims of sexual violence by focusing on this aspect in police training, both in theory classes and in practical training sessions. It is particularly important to train women police officers, since women and girls who have been sexually assaulted prefer to be questioned by a woman rather than a man.

258. A videotape relating to the reception of victims of sexual assaults has been made for use during police training courses, so that officers will be better prepared for such situations.

259. Individual police forces organise their own courses on sexual crime and the reception of victims.

4.3.1.8 The Department of Public Prosecutions

260. In recent years the Department of Public Prosecutions has focused much more strongly on victims. The central principles of the above-mentioned Vaillant and de Beaufort guidelines provide the main focus: proper treatment of victims, provision of written and oral information to victims and, where possible, the organisation of compensation.

Courses for members of the Department pay special attention to the interviewing of victims, an area which can prove problematic, especially in the case of victims of sexual assaults. Such interviews are now seen more as part of the process of dealing with criminal cases. The offices of the public prosecutors now employ staff who are specially trained to deal with victims. They provide the groundwork for the interviews and also maintain telephone contacts with victims.

4.3.1.9 The "Keep Your Hands Off Me" centres and non-residential care facilities

261. Refugee centres for battered women and their children are an initiative set up by the women's movement. The addresses of these "Keep Your Hands Off Me" (Blijf van m'n Lijf) centres are kept as secret as possible. Women are moreover usually placed in a centre in a municipality away from their former home. There are 21 such centres in the Netherlands.

262. Non-residential care facilities are provided by 17 units. The FIOM units provide assistance for victims of incest and sexual violence. Their specially trained staff of social workers provide all kinds of help and where necessary refer their clients to other bodies providing care, such as the Regional institutions of non-residential mental health care

263. Within the framework of the interministerial policy on women and minorities, a project has been carried out to develop a satisfactory procedure geared to the reception of and provision of assistance to women and girls of non-Dutch origin in homes for battered women. The project was also intended to promote the expertise of care providers, to the provision of information and to positive action to increase the proportion of non-Dutch staff in such homes.

4.3.2 Provision of help

264. The provision of help refers to the expert and longer-term support which follows on from the initial reception of victims, described above. In the early eighties it became clear that existing support organisations were not equipped to deal adequately with victims of sexual violence. The government subsidised a number of experimental projects which were intended to develop expertise in the field of help for such victims. The premise is that the existing support machinery should provide an adequate package of help for this group and should combat sexual violence.

4.3.2.1 Three experiments

265. From 1984 to 1991 the government subsidised three experimental projects aimed at providing help for the victims of sexual violence: the organizations Tegen Haar Wil in Groningen and Amsterdam, and Tegen Seksueel Geweld in Utrecht. The aim of the three projects was to develop theories and methods relevant to the provision of help to this category of victims. The three projects built up a considerable degree of expertise in the field which the established support bodies will be able to make use of in their work.

4.3.2.2 Integration groups

266. Research has been carried out into the extent to which help for the victims of sexual violence has been integrated into the working procedures of established bodies. The process of integration proved to have begun, but it was clear that the three experiments could not bear full responsibility for it. It was subsequently decided to set up integration groups composed of representatives from the relevant support bodies, the police and of the Ministry of Justice from the municipality or province in question. The groups were charged with promoting the integration of help for victims of sexual violence along the lines laid down by the experiments, not only as regards content, but also on an organisational and financial level.

4.3.2.3 Networks

267. A specific task of one of the three experiments was to promote networks between the various bodies which have to do with victims of sexual violence. Research was carried out into regional cooperation between the police, officials from the Ministry of Justice, reception centres and support organisations. It showed that these networks help to create the conditions for the successional provision of help: better understanding of the issue of sexual violence, an understanding of the way in which the other organisations work as well as of their potential, and improvement of the system of referrals.

268. After completion of the three experiments, promotion of the networks was taken over by Medusa (see above).

4.3.2.4 Promotion of expertise

269. In line with the premise, referred to under 4.3.2, that the established support network is responsible for providing

an adequate package of help to victims of sexual violence as well as for combatting sexual violence, measures have been taken to increase the expertise of these bodies. Various projects have been set up with government subsidies. Some are geared to the provision of information and the promotion of expertise on sexual violence in general, others are more specific, focusing on such areas as the abuse of women, child sexual abuse and sexual assaults by care workers, or sexual violence aimed at particular categories of persons, such as the disabled or women from ethnic minorities.

270. The various projects encourage care workers to follow courses of training in this field. The relevant courses and publications pay specific attention to ethnic minorities.

4.3.2.5 Multiple track approach

271. In recent years many organisations have initiated a multiple track approach. This approach is favoured in cases of incest, and aims to provide individual help and treatment for the victim, the mother (and possibly other family members) as well as the abuser. Close cooperation takes place between the Department of Public Prosecutions, the courts, probation and after-care staff and certain centres of the Netherlands Association for Out-Patient Mental Health Care (RIAGG). From the point of view of criminal law, use is made of an option whereby a suspect can be given a suspended sentence provided that he is prepared to undergo treatment. Investigation takes place before a trial in order to establish whether the multiple track model can provide an appropriate response to the situation in which the offence in question was committed. A research project has been linked to the support project, one of whose aims is learn more of the make-up of perpetrators of incest with a view to improving treatment and to amassing a repository of knowledge and experience. An inventory of the various initiatives in the Netherlands relating to the multiple track approach is moreover being carried out by the

Dutch Institute for Care and Welfare (NIZW). On completion of the inventory, the NIZW will carry out further methodical development of this approach.

4.3.2.6 Codes of ethics

272. Various studies have revealed the existence and scale of sexual violence within care relationships.

273. Measures are being taken to prevent such abuse. As a result, an increasing number of professional organisations are tightening up their codes of ethics in this respect. The mental health care and youth care inspectorates have made an inventory of complaints received, and of recent policy measures aimed at stamping out abuse.

4.3.2.7 Child Care and Protection Boards

274. Guidelines covering a wide range of areas have been laid down for the Child Care and Protection Boards. These include guidelines on the approach to be adopted in situations in which a child is seriously at risk. The Boards' staff are also encouraged to participate in programmes aimed at increasing expertise. The Boards take part in consultative structures on incest.

4.3.2.8 Women refugees

275. The Ministry of Justice has appointed seven women liaison officials (officials responsible for interviewing asylum seekers in respect of their claim to asylum) as a result, inter alia, of a study on sexual violence against women refugees commissioned by the Ministry of Social Affairs and Employment. Women refugees who have been raped or sexually assaulted often prefer to speak to women liaison officials, rather than discuss the details of such assaults with a man.

276. The latter Ministry subsidised a project on sexual violence against women refugees which was carried out by the Dutch Association for Refugees. After the project ended the specific work on which it focused was integrated into the Association's Women's Section. The government endorsed the policy recommendations in the document drawn up as a result of the project.

277. The policy on the evaluation of motives for fleeing the country of origin is based on the following principles:

a. from a purely legal point of view, the 1951 Geneva Convention relating to the Status of Refugees does not offer clear-cut protection for women who have been the victim or fear that they will become the victim of sexual violence;

b. sexual violence could constitute grounds for admission as a refugee if the individual has a well-founded fear of persecution by the authorities of the country of origin, or of the authorities failing to be able or willing to offer protection against serious acts of violence or persecution by the individual's fellow nationals;

c. women who have been the victim of sexual violence and who cannot be granted Convention refugee status may however be given exceptional leave to remain in the country if there are pressing humanitarian reasons which militate against an individual being sent back to her country of origin.

278. The Refugee Health Care Centre of the Ministry of Welfare, Health and Cultural Affairs is often confronted with refugees who have experienced sexual violence. The Centre's task is to ensure adequate health care facilities for refugees and asylum seekers, with special attention being paid to the area of sexual violence.

4.3.3 Improving the legal status of victims

4.3.3.1 Women with a dependent residence status

279. Foreign women who terminate their relationship with their husbands or partners as the result of suffering from sexual violence can find that their residence status is affected. If the woman in question does not possess a residence permit, her right to remain is dependent on the continued existence of her relationship, unless the relationship had lasted for at least three years prior to the time of separation. In exceptional cases leave to remain can be granted if there are pressing humanitarian reasons for so doing. In this context account is taken of the position of women in the country of origin and the existence of acceptable reception facilities there.

4.3.3.2 Position of victim in criminal proceedings

280. The government has submitted a bill to the Second Chamber of the States General which aims to improve the position of victims in criminal proceedings, by increasing the scope for them to join in an action as the injured party.

281. This would mean, inter alia, that it will be easier to get access to or obtain copies of documents in the action. It would also abolish the maximum ceiling of NLG 1,500 which can be claimed under the present system. The bill provides for theoretically unlimited amounts of compensation, provded that the claim is a straightforward one. It also invests injured parties with the right to be kept informed of a number of important decisions during the course of proceedings.

282. The bill creates the framework for a new measure whereby a convicted offender can be required to pay compensation. This could be imposed separately, or in combination with a custodial sentence or a fine. A special condition has also been created, whereby money is paid into the Criminal Injuries

Compensation Fund.

4.3.3.3 Mediation in compensation and the Compensation Fund

283. The Victim Support centres help victims to arrange claims for compensation. Victims of violent crime or their next of kin qualify for a grant from the Criminal Injuries Compensation Fund if they have suffered grievous bodily harm or died as the result of a violent crime which was willfully committed.

4.3.4 Prevention

284. Besides taking measures to help the victims of sexual violence, measures are also taken to prevent sexual violence.

4.3.4.1 Self defence

285. Research has shown that effective resistance on the part of women and girls can deter sexual attackers. Courses in self-defence are given in many places in the Netherlands, mostly set up by women's organisations, but also in the context of school gym lessons. The government subsidises Kenau, the national support organisation for women's self-defence, which organises self-defence courses with a view to reducing sexual violence.

286. Surveys have shown that women who have participated in a course of self-defence feel more self-confident and less frightened of sexual violence.

4.3.4.2 Restricting offenders' movements

287. Victims of assaults, whether sexual or non-sexual, can apply in interlocutory injunction proceedings for a court to restrict an offender's movements. A court can impose a temporary ban, whereby an individual is prohibited from

setting foot in a certain district for a specified length of time. Persons who ignore the ban must pay a fine (recognizance) or go to prison.

288. Criminal courts can also attach a ban of this kind as a special condition to a suspended sentence. In the case of an offender who failed to observe the terms of a ban (avoiding a certain district for a certain period of time) the suspended sentence would take effect.

4.3.3.3 National Support Group Women and the Law

289. The national support group Women and the Law, the Clara Wichman institute, is subsidised by the government. It promotes research and the drafting of legislation in the field of women and the law. The institute collates and disseminates information and documentation in this field, processes literature and jurisprudence, supervises and organises research, publications and test cases, seminars and symposia. Its members include Nemesis, a periodical on women and the law, the Rechtenvrouw organisation, which funds test cases, and the Vrouw en Recht association, a national working group for women working in legal aid.

4.3.3.4 Public areas

290. A steering group aimed at reducing crime through administration has been granted a subsidy to draw up a checklist for the development and assessment of plans relating to the built environment. This is to be used as an instrument to identify potentially safe or unsafe locations. Account will be taken of subjective feelings that an area is unsafe, as well as of the actual likelihood of offences taking place. Preventive measures in the field of housing and physical planning are primarily the responsibility of municipalities, housing associations, etc. The Ministry of Housing, Physical Planning and Environment seeks to promote such measures by

taking this issue into account in legislation, regulations and policy documents. It has drawn up regulations on public safety aspects in respect of planned and existing housing, and in recent years has funded various projects in this field. The organisation Vrouwen Bouwen en Wonen (see above) has been subsidised for a number of years, and has been reshaped into AREA, an independent consultancy bureau on public safety. Research has shown that insight into the relation between the physical environment and crime can most effectively be put to use at the planning stage. A number of municipalities have now set up committees to look the issue of public safety. Much productive work is also done in this field by the Women's Advisory Committees.

4.3.3.5 Education

291. The Ministry of Education and Science has in recent years subsidised a number of projects relating to the development of materials, information, promotion of expertise and the in-service training of teachers. The key objectives of primary education also include a focus on the subject of sexuality and defence.

4.3.3.6 Preventive projects

292. Preventive projects, many of them subsidised by the government, are carried out by various organisations, including the RIAGG (see above), the Dutch Institute for Care and Welfare (NIZW) and the National Centre for Health Education (GVO). The target groups are usually schools, clubs and local recreation centres, residential youth care centres, etc. Previously, prevention projects were primarily targeted at girls (as potential victims) and there was an overweening focus on incest. Now there is more emphasis on reaching boys (as potential perpetrators), whereby use is being made of the campaign referred to under 4.3.6. The GVO has incorporated the topic of prevention of sexual violence in the project "Living

together", a programme for schools which concerns school health policy, and the forming of sexual and close relationships. Many of the bodies referred to above are focusing much more on perpetrators (see 4.3.5.8).

293. Besides primary prevention projects there are also secondary prevention projects. These aim to strengthen the physical and mental defences of girls and women, and are aimed at the mothers of daughters who have been the victims of incest, at women who have been sexually abused by a rember of their family in the past, at the early identification of sexual abuse by professionals and the creation of networks of various kinds of carers.

4.3.4.7 Educational Advisory Centres

294. There are three educational advisory centres which comprise the umbrella organisations for general, Catholic and Protestant affiliated education respectively. As support bodies for educational establishments, these centres have a role to play in the combatting of sexual violence in education. All three are subsidised by the Ministry of Education and Science. One has issued a manual for the groups of counsellors in schools who seek to identify and deal with cases of sexual abuse and harrassment in schools (see 4.3.1.4). It provides useful guidelines for heads of schools and teachers on how to set up such groups. The centres contribute to the GVO's project "Living together". The three centres are working with the Ministry of Education and Science on a brochure aimed at boys. The brochure links up with the campaign to prevent sexual violence which is targeted at boys and men (see 4.3.6).

4.3.4.8 Pornography

295. Within certain limits there is no ban on pornography in the Netherlands. It is however a criminal offence to confront

members of the public with undesired and unsolicited pornographic material, to show pornographic material to children under the age of 16 and to disseminate material showing sexual acts involving children under 16. In 1985 a study was carried out on child pornography. As a result of its findings, recommendations concerning the way in which compliance with the relevant statutory provisions should be monitored were submitted to the chief public prosecutors. It was recommended inter alia that:

- regular checks should be carried out by the police on sales outlets of pornography with a view to searching for child pornography;
- in general criminal investigations be set up where child pornography is openly displayed or sought after;
- in general a preliminary judicial investigation be called for where there apppears to be commercial production of child pornography;
- the searching of premises be carried out at as early a stage as possible;
- the Central Criminal Information Department maintain a record of child pornography found in the Netherlands.

4.3.4.9 Dealing with offenders

296. From the point of view of prevention, the manner in which offenders are dealt with is crucial. An effective approach is required, not only to prevent an offender from claiming new victims, but also to protect existing victims from further abuse. The imposition of a custodial sentence does indeed cause an offender to be removed from his social surroundings for a period of time, but he will usually return to it after completing his sentence. Traditional sanctions do not usually tend to change offenders' behavioural patterns, and as a result many re-offend. In recent years an increasing number of sex offenders have been placed under treatment. Under Dutch criminal law, a custodial sentence can be linked to compulsory treatment, or a suspended sentence can be made conditional on

following a course of treatment. These options are increasingly being used. Research has shown that the chances of recidivism after treatment are considerably lessened.

4.3.5 Campaigns

4.3.5.1 Campaign "There are some secrets you should talk about"

297. At present there is a national campaign entitled "There are some secrets you should talk about", in which children who are being physically or sexually abused are encouraged to approach someone they trust or to ring the Child helpline (see above). Adults are also being encouraged to keep an eye on children whom they suspect may be the victims of abuse. The campaign is being run by the various organisations which are involved in combatting child abuse in conjunction with the Ministry of Welfare, Health and Cultural Affairs. From the increase in telephone calls to special help lines, the campaign would appear to be successful.

4.3.5.2 Campaign "Don't protect him; protect yourself

298. At present there is also a campaign relating to the abuse of women, whose slogan is "Don't protect him - protect yourself. Ring 030 - 331 335". The campaign is the brainchild of the non-commercial advertising association SIRE, a body which uses the expertise of advertising and marketing agencies to tackle social problems. The associations contribute free of charge to SIRE's campaign's. The campaigns are organised in consultation with government.

299. The Correlation Foundation is involved in this campaign, offering telephone counselling to the people who ring up. The campaign seeks to encourage women to take steps to end abuse, targeting them through television spots and posters. Brochures on the abuse of women are to be found in doctors' waiting

rooms and at police stations. The brochures also encourage women to ring the Correlation Foundation.

4.3.5.3 Information campaign to prevent sexual violence

300. Since the early eighties it has been the government's policy to combat sexual violence. Initially attention was focused mainly on helping victims, training women in self-defence and researching the nature and scale of the problem. This focus still exists, but there is now a great deal of emphasis on the primary prevention of sexual violence. Research has shown that in 97% of cases, sex offenders are men. The largest category of male offenders are boys and men between the ages of 14 and 35. It will thus be necessary to target this group if sexual violence is to be prevented. The aim of the government information campaign is to bring the issue of sexual violence into the light, and to make boys and men aware of male and female stereotypes and the influence which these have on their dealings with women and girls.

The campaign is split into two complementary components:

301. The mass-media component consists of a television spot, a corresponding brochure which can be obtained from post offices and libraries, seven different advertisements placed in organs which are read by a large section of the target group, and a series of posters. This campaign has stirred up a lot of public interest. In the initial phase a great deal was said and written about sexual violence, and a lot of attention was devoted to the subject in the media. The media in other countries also focused on this new Dutch initiative. The first year of this five-year campaign looked at sexual violence in general; the following years will pay particular attention to boys, sexual harrassment at work and men with steady relationships. A mass-media campaign such as this can make a considerable contribution to raising awareness of the topic and bringing it into the light, and can also provide an

initial move towards changes in behaviour.

302. The second component concentrates on people who are involved with boys and men in their daily work (intermediaries), since it is felt that their closeness to the target group will make it easier for them to encourage changes in behaviour and attitude. These intermediaries are supported by the mass-media campaign, in that it has placed certain topics on the social agenda, thus making it easier for them to be discussed.

303. The intermediary component encourages people who have daily working contacts with boys and men, for example people employed in education or in youth work, to make a contribution to the prevention of sexual violence. Various brochures and other material have been written for intermediaries. Seminars and symposia are also organised for this group, and an information circular is produced.

ARTICLE 3. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

304. It may first be stated that the Netherlands is a party to all international and regional human rights conventions which guarantee the equality of men and women.

305. It was realised round about 1970 that it is the task of government to pursue a cohesive policy so as to ensure the full development and advancement of women. This was officially acknowledged in 1974, when the Cabinet instituted the Emancipation Commission, an advisory body which functioned up to 1981 and may be regarded as the forerunner of the present national machinery (see the relevant section below).

306. The situation in the Netherlands must be viewed against the background of the growth of the feminist movement and its efforts to see its demands placed on the political agenda. International Women's Year and the First World Conference of Women (Mexico, 1975) were also of significance in this respect.

307. Thus when the Netherlands signed the Convention in 1980 a start had already been made with the institution of an administrative infrastructure, the establishment of political foundations and the implementation of practical measures.

308. It was understood from the outset that the introduction of a few incidental measures would not suffice to effect any real improvement in the position of women. Successive governments stressed the need for a cohesive policy which would not

only ensure properly coordinated implementation but would also be anchored in a common political approach to `the women's question' and the part which government should play.

309. This led to the formulation of policy documents (1977, 1985 and 1992) setting out the basic principles of policy and the practical measures planned for the near future. Both aspects are represented in the sections on the various articles of the Convention in the present report, which also outlines the progress achieved to date in the Netherlands.[2]

The first years of emancipation policy

310. Following upon the 1975 UN Conference in Mexico, the Netherlands government announced its intention to launch a five-year plan and asked the Emancipation Commission to draw up recommendations. The Commission's report, `Towards a Five-Year Plan', appeared in March 1976. In addition to suggestions for measures in the short term, it also proposed that a general framework be drawn up for the overall emancipation policy to be pursued. The aims and objectives set out in the report were incorporated in the policy document, `Emancipation: a Process of Change and Growth,' issued by the government in May 1977, partly at the urging of Parliament. They were formulated as closing the equality gap between men and women, ending role stereotypes and upgrading feminine values and activities. The central theme of the document was the concept of freedom to choose one's role. The task of government was defined as creating and, where necessary, fostering conditions for the processes of change aimed at allowing both men and women greater freedom of choice

[2] Earlier reports issued in English are A Decade of Equal Rights Policy in the Netherlands (1975-1985), April 1985; Women and the State: Dutch Government Policy for the Advancement of Women, 1989; Report on the Measures Taken in the Netherlands in Compliance With the Nairobi Forward-looking Strategies, February 1990.

in how they would lead their lives, either individually or together with others.

311. In the parliamentary debate on emancipation policy in the summer of 1978, all political parties signified their approval of the government's plans. In the first years of the implementation of this policy (1974-1981) special emphasis was placed on:

- the enactment of legislation on the equal treatment of men and women in the labour market, partly on the basis of treaty obligations;
- the insertion in the Constitution of provisions prohibiting discrimination, inter alia on the ground of sex;
- the drafting of a general equal treatment Bill;
- the introduction of amendments to the law of persons and family law;
- financial support for the activities of the women's movement and for projects aimed at effecting a change of mentality in the community;
- incentives for formal and non-formal education, training and research.

312. Following on the World Plan of Action discussed at the 1980 UN Conference in Copenhagen, a Dutch action programme was drafted in 1981 and opened up to wide-ranging discussion. Where the 1975 Mexico Conference had acted as a catalyst for the formulation of an emancipation policy, the Copenhagen Conference provided the impulse for determining anew what measures would be required over the next few years in the various areas of policy.

313. Political responsibility for emancipation policy had rested since 1974 with the Ministry of Recreation, Welfare and Cultural Affairs; when a new government took office in 1977 a State Secretary with special responsibility for equal rights was appointed to the Ministry and a start was made with the

establishment of national machinery for this area of activity. The choice of this particular ministry reflects the view of the problem which was prevalent at that time, namely that emancipation was largely a matter of a change of mentality.

Reorientation of emancipation policy (1981)

314. After the 1981 general election a State Secretary responsible for coordinating emancipation policy was appointed to the Ministry of Employment and Social Affairs. There had meanwhile been a shift of accent. Efforts were no longer focused solely or principally on a change of mentality as an element of social development. It was now realised that women's employment and social security rights were in need of improvement.

315. The government programme included the formulation of a new inter-departmental policy plan. A summary of ten years of feminist theory-building entitled `An Analysis of the Women's Issue' was published as a first step. Work in a number of areas was stepped up in the form of projects combining policy development with experimental provisions and instruments. This approach was following in three policy areas: women's health care, women in ethnic minorities and women wishing to return to work after some years at home. It was thought that in this way it would be possible to gain useful insights into the need for new or supplementary measures and for amendments to the existing policy. In 1982, on the initiative of the State Secretary, a conference was held on sexual violence, thus effectively drawing this issue into the framework of overall emancipation policy (see further on this policy area the addendum to the report concerning article 2).

An interdepartmental policy plan

316. After a Cabinet crisis and a short period of interim

government, a general election was held in 1982 and a new government was formed. A State Secretary responsible for emancipation policy was again appointed to the Ministry of Employment and Social Affairs, and the renewal of emancipation policy continued with the extension of the experimental projects, the production of a report on the eradication of sexual violence against women and girls (1984) and the publication of a general emancipation policy plan (1985). The key concept underlying the policy plan was that the problem could no longer be viewed solely as that of a disadvantaged group - women - who needed to be helped to improve their status in society. The new point of departure was to be that the existence of a difference between the sexes in the organisation of society would no longer be allowed systematically to result in fewer opportunities for the one than for the other. To achieve this aim new collective decisions, or reassessment of the collective decisions made in the past, would be essential.

317. Partly as a result of the research findings presented in 'The Woman's Social Atlas' (1983), the growth of equal opportunities is now regarded as an inevitable social process. The social structure is however not yet fully geared to the changes this entails. Material obstacles prompting social friction still remain: women still occupy an inferior position in the labour market; men have barely increased the amount of time they spend on household tasks and child care; and women are still employed in the traditional occupations. The inequality in the social status of men and women remains essentially unchanged.

318. This being the case, the government's medium-term aim is 'to promote the transformation of contemporary society, in which sex differences are so widely institutionalised, into a multiform society in which all individuals, irrespective of sex or marital status, are enabled to lead an independent existence and in which men and women have equal rights, opportunities, freedoms and responsibilities'.

319. The central aim consists of three elements:

1. guaranteeing equal rights for men and women;
2. effecting structural changes which eliminate sex differences as one of the cornerstones of the social order;
3. eliminating stereotyped images of masculinity and femininity.

320. `Equal rights' is used here to denote formal rights and an anti-discrimination policy in all areas of government activity. See the section on Article 2 for more detailed information. The structural changes envisaged include changes leading to a situation in which employment opportunities and other forms of social participation are no longer dependent on sex, status, lifestyles or sexual preferences. The third element reflects the special importance attached to supporting the women's movement. This is discussed at greater length below. A detailed account of the policy on eliminating stereotypes is given in the section relating to Article 5.

321. Ways in which these aims may be realised by the individual ministries in the period 1992-1995 are described in detail in `With a View to 1995,' a draft emancipation policy programme drawn up in 1992.[3] The government wishes to see the aims of its emancipation policy integrated into the work of the individual ministries wherever possible.

322. The lines laid down in the 1985 Policy Plan will be further elaborated in the next few years. New accents, or `spearheads,' will be needed as well. Up to 1995 extra attention will therefore be devoted to the following points:

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[3] This draft policy programme was forwarded to the Emancipation Council in January 1992. On receipt of its recommendations, the final version of the programme will be presented to Parliament.

a. greater participation of women in political and social decision-making;
b. distribution of unpaid work, entailing a larger men's share of work in the home;
c. elimination of the traditional images of masculinity and femininity.

Facts and figures

323. 'The Woman's Social Atlas,' published by the Social and Cultural Planning Bureau in 1983, contains both statistics and a detailed analysis of the status of women and the changes it has undergone in the past twenty years. Up-to-date surveys are published by the Bureau in its two-yearly reports and in two publications on related topics. In 1987 and 1992 the Central Statistics Office published statistical surveys comparing the position of men and women in various fields. Work on refining the method of collecting data on the labour market in progress over the past two years has resulted in the compilation of a databank ('Women in Figures') containing all recent statistics and research results. It is the source of the data presented in the present report. A Dutch- and English-language summary of the position of women in the Netherlands based on the most recent statistics is scheduled to appear in December 1992. If at all possible, it will be forwarded to the Committee prior to the meeting at which this report is to be discussed.

National machinery

324. In accordance with General Recommendation No.6 (seventh session, 1988) of the Committee on the Elimination of Discrimination Against Women, the following section deals with the national machinery, or institutional provisions, set up in the Netherlands for the implementation of governmental policy for the advancement of women. It should be noted that this

policy pertains to practically all areas of government activity. It is referred to as a `facet'policy its aims are to be achieved in a multiplicity of areas for which various ministers bear political responsibility. Coordination thus begins with ensuring the cohesion of the specific measures taken by individual ministries in the interests of women's rights, followed by the integration of the women's rights aspect in policy primarily relating to other areas of social life. A firm resolve to promote women's rights as an integral part of general policy was already featured in the Statement of Policy presented to Parliament by the government taking office in 1977.

325. Owing partly to the fragmented nature of the national administrative machinery, the development of an integrated policy is a difficult and laborious undertaking. As the attached organigram shows (see Appendix 1), the national machinery in the Netherlands is composed of various parts.

326. At the political level, primary responsibility was initially vested in a State Secretary for Welfare, Health and Cultural Affairs, and later subsequently in three State Secretaries and two Ministers of Employment and Social Affairs. Ms Elske ter Veld, the present State Secretary for Employment and Social Affairs, responsible since 1989 for coordination of emancipation policy. This coordination task is to be performed within the confines of the responsibility of the Cabinet as a whole for overall government policy and of the individual ministers for their own spheres of activity.

327. Between 1986 and 1991 a Cabinet Committee for Emancipation Policy, consisting of the Prime Minister (chairperson) and seven other ministers, was responsible for the preparation of matters with an important women's rights aspect on which the Cabinet was to reach a decision.

328. At the civil servant's level the principal body is the

Department for the Coordination of Emancipation Policy, which has formed part of the Ministry of Employment and Social Affairs since 1981. Its task is to ensure that account is taken of emancipation aspects in decisions reached at all departmental levels. The Department works together with all ministries, and assists the State Secretary in her work. In addition, it supports and helps to develop activities in this field in society at large (see the addendum on support policy). It is also concerned with the production of information material, and commissions and supervises policy-related research. The Department has a permanent staff of 32, and a budget divided as follows:

- Salaries 4,146,000
- Administration 2,841,000
- Grants and subsidies 19,100,000

329. In the present government drive to improve the efficiency of the civil service, an independent study of the work of the Department will be carried out at the end of 1992. The results should provide a basis for decisions to be reached at the time of the next Cabinet formation regarding ways in which emancipation policy can best be continued.

330. Another body, the Interministerial Coordinating Committee for Emancipation Policy, meets once a month under the chairpersonship of the Director of the Department for the Coordination of Emancipation Policy. All ministries are represented on the Committee. Since the disbandment of the Cabinet Committee for Emancipation Policy, the Committee acts in a direct advisory capacity to the Cabinet and, as the occasion arises, to Cabinet committees and inter-ministerial coordinating bodies.

331. Most of the ministries have internal coordinating bodies which advise the ministers on matters affecting women in their

particular areas of responsibility. Their powers and influence vary from one ministry to the other.

332. The national machinery also includes two quasi-autonomous non-governmental organisations, or quangos.[4] They are the Emancipation Council and the Equal Opportunities Employment Commission. The latter has already been mentioned in the section relating to Article 2.

333. The Emancipation Council was installed in 1981 as the successor to the Emancipation Commission. It is composed of a maximum of 13 paid members who devote two days each week to tbe business of the Council. They are appointed by the Crown, which publicly invites applications. Appointments are made on the basis of the widest possible representation of social and political movements. The Council advises the government on measures on the advancement of women and on the implications of other policies for the position of women. The Emancipation Council Act specifies that ministers must consult the Council on all policy plans with direct or indirect implications for the position of women. It consists at present of 12 members plus the chairperson, and is assisted by a staff of 25.

334. The government strives for integration of the advisory task on emancipation aspects of several forms of government policy, in the activities of other advisory bodies in the second half of the nineties. The Government wants to include the assignment to integration in the terms of reference of the other advisory bodies; furthermore the Government strives for increasing the number of female members of advisory bodies. As a result the fourth term of the Emancipation Council (1993-1997) will be the last. One of the tasks for this term will be to report on the ways in which other advisory bodies can take over the advisory task on emancipation issues.

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[4] Independent state-financed bodies set up by government to perform a specific task.

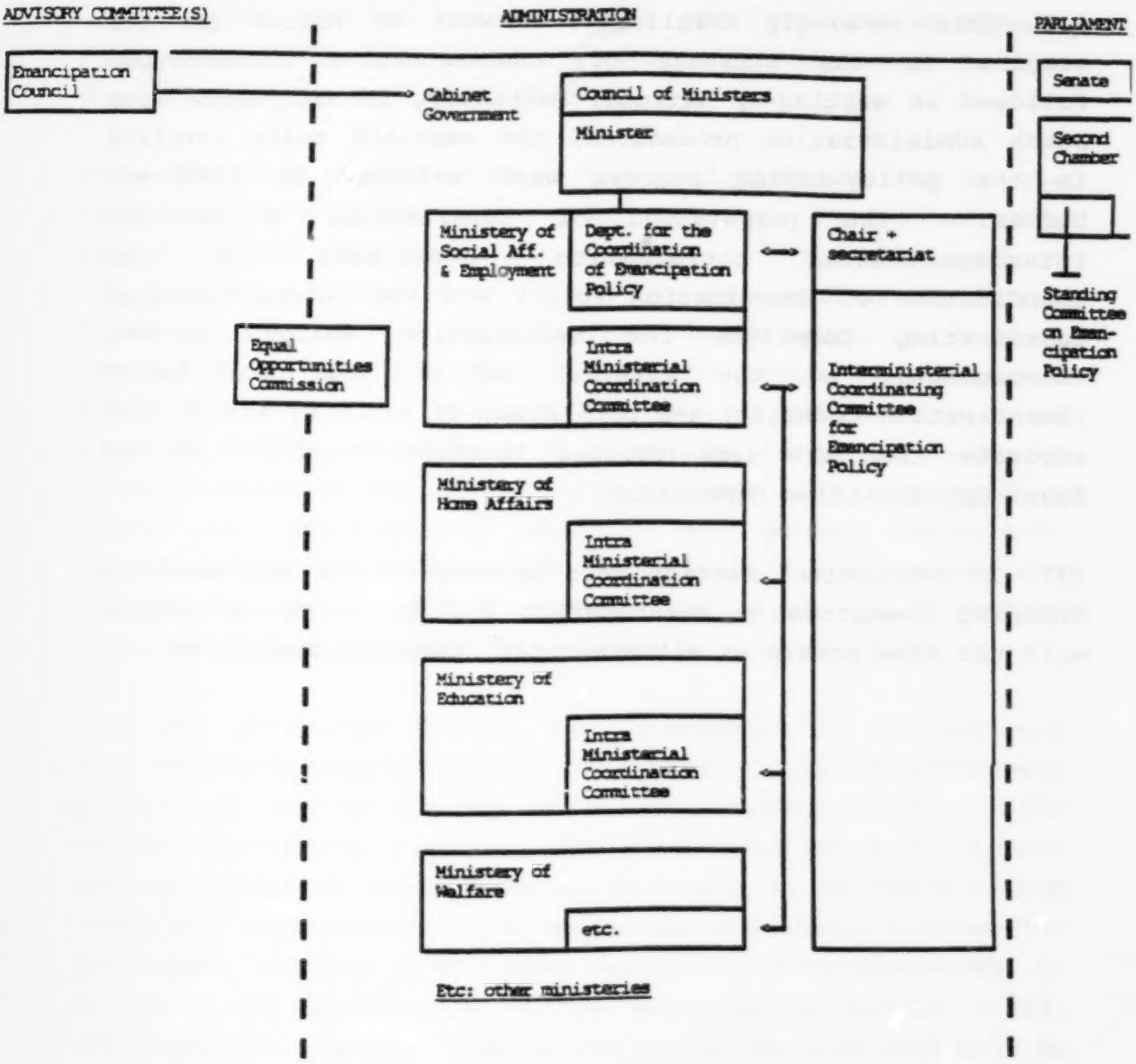
335. A third quango, the Committee for the Promotion of Emancipation Research, consisting of independent experts on research and women's studies, was active from 25 February 1985 to 25 February 1991.

336. This seemingly complicated network of bodies has its origins in the strategy of administrative accomodation followed in setting-up national machinery. In accordance with Dutch administration procedures, the separate tasks involved in the policy-making process were assigned to different bodies. The preparation of departmental policy and interdepartmental coordination (Department for the Coordination of Emancipation Policy and the Interministerial Coordinating Committee for Emancipation Policy) proceed independently of the external advice and consultation (Emancipation Council), and both areas of activity are in turn separate from the semi-judicial function fulfilled by the Equal Opportunities Commission.

337. In conclusion, mention must be made of the Parliamentary Standing Committee on Emancipation Policy, which is endowed with the same powers as all other parliamentary committees.

Appendix 1

ORGANIZATIONAL CHART: NETHERLAND'S NATIONAL MACHINERY FOR THE ADVANCEMENT OF WOMEN



ADDENDUM TO ARTICLE 3: POLICY TO SUPPORT EMANCIPATION

Policy to support emancipation

338. The emancipation policy of the Dutch government links up with the emancipation process of women in Dutch society. One of the aims of this policy is to support this emancipation process. The women's movement in the Netherlands is regarded as the driving force behind the emancipation process. To begin with, this means following the progress which is being made with regard to the emancipation process in the various social fields. It also means encouraging the various policy sectors to develop their policies in consultation with the relevant groups of the women's movement. Finally, grants are used to enable groups within the women's movement to carry out their work. These three aspects of emancipation policy are referred to together as emancipation support policy.

339. Supporting the emancipation process in society means supporting emancipation policy. Changes in general government policy are necessary, among other things, to achieve an emancipated society. The changes may involve modifications to existing or proposed policies or new policies. Attempts are made to achieve these changes along two paths. Within the government service, changes are proposed by the minister (or state secretary) with primary responsibility for emancipation policy and her staff of officials, the Department for the Coordination of Emancipation Policy and by the complete "national machinery" connected with them. Outside the government, the changes are usually put forward by the women's movement. Emancipation support policy enables parts of the women's movement to take part in this process on a modest scale.

The Emancipation Support Policy memorandum (1989)

340. The Emancipation Support Policy Memorandum which was

submitted to parliament in the autumn of 1989 and approved by parliament in the spring of 1990, formulated the following specific objectives for emancipation support policy:

1. to support and stimulate the emancipation process in general and the women's movement in particular;
2. to stimulate the interaction between the women's movement and the government in order to promote the necessary feedback and innovation.

341. In specific terms, emancipation support policy means two things. First, it involves financing a number of national facilities and projects, most of them on a limited scale. (Central government also develops regional facilities but these are shortly being transferred to the relevant regional authorities). Second, the possibility has been created of obtaining grants for one-off national activities such as conferences, films and brochures. Grants can also be obtained for multi-year national projects of an experimental nature or otherwise. Experimental projects are being subsidised to provide women with help and to counsel and assist the victims of sexual violence. Non-experimental projects which are subsidised include cooperative arrangements between a large number of women's organizations which seek to promote the economic independence of women and the redistribution of paid and unpaid work.

342. For a long time emancipation support policy has been largely financed by the ministry with primary responsibility. The above policy document states that in principle all ministers are responsible for emancipation support policy in their own policy fields. For the time being, this principle should primarily be seen as a way of getting emancipation support policy off the ground or extending it at the various ministries.

343. The minister (or state secretary) with primary responsibility for emancipation support policy is also

responsible for supporting innovatory initiatives and initiatives which can not yet be included in the work of a particular ministry.

344. The specific way in which emancipation support policy is worked out has changed in a number of respects over the years as a result of changes in the work and methods of the women's movement. The main changes in the way in which the women's movement operates are as follows:

a. To begin with, the emphasis was on increasing awareness and analyzing the problem; attention has now shifted towards achieving permanent solutions.

b. Analysis has shed considerable light on the problem as a whole and to a proportionally balanced differentiation of activities, which involves dividing them into smaller fields and categories of women. The fields include housing, physical planning, technology, informatics, health care, combatting sexual violence and the armed forces. Separate categories of women include women on income support, girls and young women, lesbian women, disabled women, black and migrant women and women entrepreneurs.

c. Women who were active in the women's movement used to be largely volunteers, many of whom worked unpaid as a matter of principle. Now many of them are paid for the work they do. The women's movement has become more professional as a result of this development and the expertise and experience developed earlier.

d. The women's movement has changed from a protest movement into a movement for social change which operates predominantly within existing social structures. Its position has gradually changed from arguing for attention for the position of women to one of providing expert advice about the necessary changes.

345. These changes have had a number of consequences for emancipation support policy.

a. The number of applications for one-off grants has declined sharply because of the shift of emphasis from raising awareness to achieving structural changes.

b. Breaking down the problem into separate categories means more and more approaches to individual ministries, not just to obtain grants but also to influence their policies.

c. The results of the analysis and experimental projects have produced a high level of expertise in relation to separate topics and different categories of women. The significance of grants as a way of drawing attention to an issue or to demonstrating the right of feminist views and methods to exist has therefore declined. Emancipation support policy is now more concerned with encouraging ministries to make use of existing expertise. Grants are provided less often in response to applications and more often as a result of needs identified within the policy-making process. The role of emancipation support policy in developing policy to improve the position in society of girls and young women is a good example of this process. In the light of this policy, a number of grants have been provided for research commissioned by the government. A number of grants have also been made in fields such as technology and automation which were regarded as important in the context of this policy.

d. To a large extent, the women's movement now forms part of the social structures; emancipation support policy is therefore equally concerned with supporting emancipation initiatives with organizations in society.

Grants by central government for emancipation, 1990-1994
(in millions of guilders)

1990	23,0
1991	21,5
1992	19,4
1993	11,6

The most important components of emancipation support policy are as follows:

1. The International Information Centre and Archive for the Women's Movement (IIAV)

346. The International Information Centre and Archive for the Women's Movement (IIAV) is a unique information service in relation to the position of women. The IIAV consists of a specialised scientific library, a documentation service and an archive on the position of women. It is the central organization in its field in the Netherlands and plays an important role in an international context. The main duties of the IIAV are to build up a collection, to manage, provide access to and distribute information and to encourage and support other library and documentation services in the Netherlands so as to ensure good information services about the position of women. The IIAV is fully financed by the ministry with primary responsibility for emancipation support policy for an unlimited period.

2. Two cooperative bodies whose members include a large number of women's organizations in the socio-economic field:
   - The Broad Platform of Women for Economic Independence
   - The Association for the Redistribution of Paid and Unpaid Work

3. National support centres

347. Each of the centres concentrates on a specific field of the emancipation issue such as about achieving women's legal rights, construction and housing, combatting the traffic in

women, access to the labour market, and women's health care. At the present time, 15 national support centres receive government grants, some from the state secretary with primary responsibility for emancipation support policy, some from other ministers or state secretaries and others on a joint basis.

348. The national support centres, which operate nationally as the name suggests, have two main duties. They support and encourage their network throughout the country consisting of women who are concerned with a particular field and who are responsible for their existence. Second, they attempt to influence the policy of the government and of the national bodies and organizations concerned. More particularly their duties may involve:

- drawing attention to problems connected with the position of women;
- analyzing problems and developing a vision;
- developing methodology;
- combining resources;
- providing members with information and advice;
- influencing policy;
- promoting expertise.

National support centres receive grants for at least five years amounting to Dfl. 250,000 a year on average.

349. "Arachne", a special national support centre to provide women with advice on government policy, becomes operational in the autumn of 1992. Its special aim will be to promote interaction between government policy and the women's movement. "Arachne" will operate and has been created in collaboration with the broad women's movement. It will stimulate and facilitate lobbying by the women's movement directed at policy formulation at the national level but will not act itself as a lobbying organization.

350. Annex 1 contains a list of national support centres which

are currently receiving government grants.

4. Regional emancipation offices

351. In the past 13 years, the government has developed regional support facilities known as women's emancipation offices. Their main role is to bring about structural emancipation developments at the regional level and they undertake this work in conjunction with the women's movement in their region. Unlike the national support centres, the regional offices do not confine themselves to a specific field. They deal with all problems which have priority in their own region. Their duties also include influencing the policy of the provinces and municipalities which make up their region. The offices can make use of the expertise of the national support centres to carry out their work. Conversely, they can provide national support centres with information about bottlenecks and problems they have identified. Each bureau has establishment places for 4.5 staff and receives a grant to cover accommodation and running costs. There are women's emancipation offices in each of the provinces and in the three large municipalities, Amsterdam, Rotterdam and The Hague making a total of 15.

352. The women's emancipation offices have been established as independent services and will therefore be transferred on 1 January 1993 to the provinces and the three municipalities. This is part of the process which is taking place on a wider scale of devolving powers from the state to the provinces and the municipalities. Negotiations are currently taking place with the provinces and the municipalities about the way in which the transfer will take place. The central questions in the negotiations are how far the offices will continue to operate as specialised services, and whether the money which is to be transferred will continue to benefit the specific activities for which it is intended.

5. Emancipation worker projects

353. These projects are designed to create or contribute towards a situation in which emancipation objectives are integrated into the work of national organizations which work in society. Projects can focus on staff policy and the culture of an organization, the policy that an organization pursues in society or both. Grants for projects are made available on the basis of previously defined agreements about objectives, a plan of work, responsibility for the organization concerned as a whole for the project organization etc. The award of a grant for a project means specifically that an organization will receive funding for an average of 40 working hours a week, in principle for a period of 3 years. The grant can be used for one full-time or two part-time emancipation workers for the duration of the project.

354. Projects cover a wide range of aspects of society and have varied objectives as the following examples illustrate:

- The aim of the project at the Federation of Netherlands Trade Unions is to strengthen the position of women in the union movement in developing countries.
- The project at the Association of Rural Women's Organizations is designed to improve the position of women who work with their husbands in an agricultural enterprise.
- The project at the three central agricultural organizations aims to integrate the wives of farmers and market gardeners in the organizations.
- The project at the National Federation of Welfare Organizations for Surinamese People is developing methods to bring home to Surinamese parents the consequences of a choice of school, combination of subjects and career for their daughters' futures.
- The project at the Royal Dutch Medical Association aims to improve the position of female doctors and to develop an emancipation policy for the organization.

355. The minister with primary responsibility for emancipation policy took the initiative for the emancipation worker projects. The aim is twofold:

(1) to support the start of emancipation processes in organizations which are influential in society; and

(2) to involve the relevant ministries and policy sectors with the substance and financial aspects of this process.

356. The projects are being run in accordance with these principles. The ministries are being asked to subsidise fifty per cent of a number of projects and to consider which organizations qualify for projects. Organizations can put their own names forward to the relevant ministry. A choice will then be made on a combined basis and joint discussions will be held with the organizations about objectives, guaranteeing the commitment of the organization etc.

357. The projects run for a period of three years, at the end of which an evaluation takes place. Evaluations have led to tightening up the organization of projects, particularly as regards embedding a project in an organization, the responsibility of management and implementation of the results. The current project period involving 23 projects comes to an end in 1992. An evaluation is already underway. The highly positive reactions of the organizations involved and the ministries mean that there will, at least, be another project period starting in 1993. It is very likely that the organizations involved will be asked to make a financial contribution in the new project period, not exceeding one third of the total cost. The ministry concerned and the minister with primary responsibility for emancipation will each contribute a remaining third.

Girls and young women

358. We know from policy development work that girls and young

women make little or no use of the opportunities provided by support policy. They have little contact with support services such as women's emancipation offices and national support centres and make virtually no use of grants schemes. As a result of these findings, research has been commissioned to investigate, among other things, the use made by girls and young women of facilities for young people and minorities. The results of the survey confirm the conclusion which was drawn earlier.

359. More interestingly, the results show why this is happening. Girls and young women need better, not more support in choosing educational courses and careers. They agree, certainly on an individual basis, with the aims of the women's movement and emancipation policy but they prefer not be associated with them. Modification of the emancipation support policy to accommodate girls and young women is therefore difficult and is not considered desirable.

Women from minorities

360. In 1982, the Dutch government launched a project on Women and Minorities Policy (VeM), with the aim of developing instruments to promote access by ethnic minority women to various fields such as education, welfare, health care, the labour market and information and to bring the services provided in these fields more in to line with needs. Projects for women from minority groups were used as means to this end.

361. From 1984 to 1988 a project was carried out as part of Women and Minorities policy to support women's organizations. It dealt with the following topics:

(1) indicating opportunities of financial support for accommodation for local groups of black and migrant women;

(2) subsidising three emancipation workers for groups of black and migrant women; and

(3) subsidising activities by black and migrant women's organizations.

362. More than 40 centres for women from minorities have been set up. The Minister of Welfare, Health and Cultural Affairs (WVC) provides financial support for a network of centres so they can exchange experience with one another and develop combined strategies.

363. The decentralisation of major aspects of minorities policy means that local women's organizations and the accommodation they use are now the responsibility of the municipalities. One of the tasks of the national and regional support services for minorities is to further the emancipation of women.

364. The women's emancipation offices have been urged to include black and migrant women in their staff so that they can target their policy more effectively at these groups. The offices have responded positively to the request and have achieved results. In addition two staff establishment places have been made available.

ANNEX TO ADDENDUM TO ARTICLE 3

National support organisations which are funded by the Directorate for Emancipation Policy of the Ministry of Social Affairs and Employment (SZW/DCE):

1) National Support Centre Women and Work (LSVW)

2) National Ombudswoman Foundation (SLOV)

National support organisations which are funded (provisionally on a five-year basis) by the SZW/DCE:

3) Women's Exchange Programme International (WEP-I)

4) National Support Centre Emancipation of Civil Servants (SLEA)

National support organisations which are funded (provisionally on a five-year basis) by the SZW/DCE together with other ministries:

5) National Centre Women and Information Science (with the Ministries of Education and Science and of Economic Affairs)

6) Women and the Law (Clara Wichmann Instituut)
(with the Ministry of Justice)

7) Womens' Services Centre (Arachne)
(with the Ministry of Welfare, Health and Cultural Affairs)

8) Women and Culture
(with the Ministry of Welfare, Health and Cultural Affairs)

Support organisations financed by other ministries:

9) National Support Centre Police Women's Network
(Ministry of Home Affairs)

10) Women Build and Live
(Ministry of Housing, Physical Planning and Environment)

11) Part-time Non-formal Education for Women
(Ministry of Welfare, Health and Cultural Affairs)

12) National Coordination of Services for Victims of Sexual Violence (Medusa)
(Ministry of Welfare, Health and Cultural Affairs)

13) Kenau Women's Centre
(Ministry of Welfare, Health and Cultural Affairs)

14) METIS, an association providing services for women
(Ministry of Welfare, Health and Cultural Affairs)

15) National support group for centres for foreign women
(Ministry of Welfare, Health and Cultural Affairs)

ARTICLE 4 TEMPORARY MEASURES

1. **Adoption by States Partners of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present convention but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.**

365. Simply guaranteeing equality before the law is not sufficient to guarantee the equal treatment of men and women. Specific measures will often be necessary to remove disadvantages and/or change existing organizational structures in such a way that they no longer lead to inequality. Examples of these positive action measures include preferential treatment in cases where women are as suitable as men, career orientation meetings for women and using target figures for women in respect of appointments.

366. The basic premise of government policy is that positive action or preferential treatment measures must as far as possible be taken by the organizations, institutions and enterprises concerned and should be imposed by law only as a last resort if there are valid reasons for doing so. This line is set out in section 5 of the Equal Employment Opportunities Act which stipulates that employers or other parties may deviate from the ban on a distinction between men and women specified elsewhere in the act if the distinction is designed to put women in a preferential position in order to eliminate actual forms of inequality. This type of preferential treatment is not therefore regarded as discrimination; during revision of article 429 quater of the Criminal Code (which prohibits discrimination against persons, among other things on the grounds of sex, in the exercise of an office, occupation or business) it was decided that there was no need

to state expressly that an exception applies to the preferential treatment of women.

367. Section 2, sub-section three of the proposed Equal Opportunities Act (see comment above on article 2 under b) also includes an exception for preferential treatment which states as follows:
"The prohibition laid down in this act on making a distinction shall not apply if the distinction is designed to give women or persons who belong to certain ethnic groups or cultural minorities a preferential position in order to eliminate or reduce actual inequalities and the distinction bears a reasonable relationship to that objective."

368. In the course, of the eighties many labour organizations, particularly in the governmental and non-profit sector, adopted positive action measures to benefit women. Since 1976, government recruitment policy has been based on the principle that preference is given to women if they are of equal merit. Further information about this and other measures is provided elsewhere in this report (for example in relation to articles 7b and 11)

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity, shall not be considered discriminatory.

369. See elsewhere in this report, among other things the comments on article 11, paragraph two.

ARTICLE 5. PATTERNS OF CONDUCT

States Parties shall take all appropriate measures:

(a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

370. It has been understood for some considerable time in the Netherlands that social and cultural factors may heavily influence the advancement of women, and equally that measures must be taken to counter all such factors impeding the process of emancipation. The 1985 Policy Plan in which the government set out its medium-term goals lists as one of three subsidiary objectives the ending of stereotyped roles for men and women. It has meanwhile been incorporated in many areas of emancipation policy in the Netherlands, reflecting the changing attitude to sex roles witnessed over the past 25 years.

371. In broad outline, the measures taken to modify patterns of conduct include a national TV campaign and the provision of information to employment agencies, employers and women themselves urging more girls and women to choose technical, so-called `men's occupations'. A similar information campaign was aimed at encouraging girls to think in terms of later economic independence.

372. In education, multimedia campaigns have been directed toward girls and their families with the object of encouraging more girls and young women to opt for the exact sciences. A subsidised national institute, the Emancipation Teaching Materials Centre, distributes to schools a range of teaching materials developed in the Netherlands. In 1990 and 1991

women's history was a compulsory leaving examination subject in some categories of secondary schools. A women's history reader was produced for these schools.

373. Experimental projects initiated by the women's movement are helping to transform the health and personal social services in the sense that men are no longer automatically regarded as the norm, while moreover it is now acknowledged that ill health and the inferior social status of women are often interrelated.

374. A multi-year, multi-media information campaign launched in 1991 focuses on the responsibility borne by men, and young men in particular, for the elimination of sexual violence against women and girls. Awareness amongst the target group is further fostered with the aid of intermediaries. The key concept here is that while sex is natural to both sexes, it does not follow that it can be forced on women against their will.

375. The national political parties and the independent Association for Women's Interests and Equal Citizenship receive state subsidies in support of their efforts to persuade more people to vote for women candidates standing for public office. The object is to remove the image of politics and public administration as exclusively male professions.

376. Subsidised women-and-art organisations oppose the prejudiced view that women contribute little to cultural life. Grants have been made available for such projects as a study of the position of women in the broadcasting services, carried out by a woman member of the staff of the Netherlands Broadcasting Corporation who made many recommendations on the strength of her findings; a study of the position of women journalists on national newspapers and publication of the results; and a film about women journalists.

377. The number of women in broadcasting and the press has increased over the years. Women on newspapers increased by 1% per year from 15% in 1988 to 19% in 1991. The same trend is apparent in broadcasting, where women have increased by 4% since 1987. The situation here is more favourable, however, 45% of the staff of the national broadcasting associations being women. The comparable figure for the regional broadcasting services is 29%. These figures do not cover all employees of newspapers and broadcasting associations, but relate only to journalists and producers. They are derived from 'Vrouwen werkzaam bij omroep en pers' (Women in the Media; June 1991), the report of a study conducted by A.G.B. Veldkamp and A.G.B. Qualitatief for the Ministry of Welfare, Health and Cultural Affairs.

378. Efforts are also being made to effect changes in the images and roles of women as depicted in the media. A grant was made available for a handbook listing women specialists in various fields as an encouragement to programme makers to enlist their services. In 1991 the National Broadcasting Corporation received a grant for a five-year project involving analysis of the images and roles of men and women projected by the media. It is to result in recommendations for both the broadcasting services and the government regarding the means that can best be used to avoid stereotyping in the future.

379. In conformity with other human rights conventions, the Netherlands Constitution guarantees freedom of speech. Dutch lawgivers exercise restraint in imposing restrictions on the publication and distribution of printed matter and of pictorial representations. In the case of pornographic representations, three prohibitions apply:

1. they may not be openly published or exhibited, or forwarded to third parties except on request;
2. they may not be shown or offered to persons under the age of 16;

3. they may not depict sexual acts involving any person who is clearly under the age of 16.

380. The government may itself be regarded as an institution contributing to the perpetuation of prejudices and customary and other practices which are based on the idea of the inferiority of women or the superiority of men. It is concerned to put an end to such unintended effects of its actions, and is attempting by various means, such as the organisation of a workshop for all national and local government information officers, to resolve the problem of stereotyped images in the information it provides. An analysis of the process whereby stereotyped views of men and women are presented in government documents was begun in 1991.

381. The problem referred to in Article 5 is approached with the aid of information, research and special grants. Legislation is not considered to be an appropriate measure here. Moreover, some of the social sectors referred to in the foregoing function largely independently of the state.

382. The policy seems to be meeting with some success, but could nonetheless be more systematic. The government therefore intends to intensify its efforts to achieve the aims outlined above. Over the next two years it will devote special attention to this area of activity as one of the three spearheads of emancipation policy.

ARTICLE 5 (b)

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Family education and the education system

383. The Dutch system of primary and secondary education is characterised by freedom of both persuasion and schools. The sections of the acts which deal with the content of education are accordingly of a general nature in order to give schools as much freedom as possible to arrange the education as they think best. The government does not therefore have any direct way of ensuring that education includes the subjects referred to in article 5 (b) of the Convention. However, several areas of knowledge are described in the legislation in such a way that schools have plenty of scope to include these subjects in programmes of study.

384. As far as primary education is concerned, these aspects are dealt with in section 9, sub-section two (b) and (d) of the Primary Education Act and section 12, sub-section three (b) and (d) of the Special Education (Interim) Act. School work plans can be inspected to check whether schools are devoting attention to the subject areas described in the acts (section 11 of the Primary Education Act and section 19 of the ISOVSO).

385. At the present time, the First Chamber of parliament is considering legislation to introduce core objectives into primary education. The idea behind the new bill is for schools to use core objectives as objectives which are to be achieved by the end of primary school; the core objectives will describe the qualities of the pupils in terms of knowledge, understanding and skills. The core objectives are described in more detail in the order in council accompanying the new legislation. In view of the non-interventionist role of the government as described above, there is no intention of explicitly including women's emancipation and the elimination of discrimination in the core objectives, but rather to create a climate and provide resources so that the schools have scope to devote attention to theses subjects in their own way. See

the description of the core objectives for history, relationships in society and religious studies.

386. In secondary education, the government lays down examination programmes and the subjects of the examinations with advice from experts. For example one of the final examination subjects in history a few years ago for HAVO (intermediate secondary education) and VWO (pre-university secondary education) was women's history. Steps are taken to ensure that examination papers do not include subjects or passages which could be regarded as discriminatory. The intention is to have core objectives for each subject in the first few years of secondary education from 1 August 1993. Unlike in primary education, the core objectives in secondary education are intended as objectives for the students themselves.

387. Different core objectives provide scope or serve as specific points of reference for questions about the distribution of roles between men and women, in subjects such as history, constitutional history/government and economics.

388. In 1993, caring will be introduced as a subject in secondary education. The core objective for this subject will devote attention, among other things, to caring aspects within a relationship/family and the allocation of roles.

389. In secondary education and apprenticeship schemes, family education is provided by vocational courses for the caring professions. The programmes of these courses deal with the following subjects in relation to the family:

- the family and other forms of cohabitation;
- the inequality between men and women in the family and society;
- the rights and obligations of men and women in the family;
- role patterns between men and women;

- changes in society and their consequences for role patterns;
- the educational function of the family;
- breaking down traditional roles of men and women, among other things in relation to bringing up children.

390. This form of vocational education certainly contributes towards a good understanding of motherhood and the recognition of the joint responsibility of men and women for bringing up children and their development.

391. Higher vocational education institutes and universities set their own examination programmes.

392. In terms of emancipation, it is important for pupils and students from the age of four to eighteen to be confronted with balanced proportions of men and women in the school administration and as group teachers. The government is actively encouraging the appointment of more women to senior administrative positions in educational establishments.

Family education by other organizations

393. To a greater or lesser extent, family education is an aspect of the duties of general public services or their national organizations which provide facilities to support looking after and bringing up children. They include home nursing organizations, family care organizations, creches and day centres, school doctors, and services which provide information on bringing up children. Private, subsidised organizations have a wide range of opinions about the responsibilities of men and women in relationships, amongst other things as regards bringing up and looking after children. The situation in the Netherlands is characterised by a high degree of individual responsibility for a view of society and objectives based on it. However, it is true to say that the general principles of emancipation policy underlying

Dutch subsidies policy provide these organizations with a framework for their information and educational activities.

394. Information on the subject of relationships, aspects of family life, the role of parents and the position of children in the family are also the special responsibility of several national organizations such as the Dutch Family Council, the Relationships Information Association, the Stichting Ambulante FIOM and the Rutgers Stichting. Information is aimed at the general public, intermediaries and the organizations referred to above. The assessment of the activities of these national organizations, whose role is to influence opinion and provide information, takes place against the background of Dutch emancipation policy. Active direction is given to information policy by means of specific agreements about annual programmes of activities.

ARTICLE 6 EXPLOITATION OF AND TRAFFIC IN WOMEN

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Present legislation

395. The exploitation of prostitution of women is an indictable offence under Article 250bis of the Criminal Code: 'Any person who habitually or as a profession causes or encourages indecent acts by others shall be liable to a term of imprisonment not exceeding one year or a third-category fine' (up to a maximum of Fl.10,000). In addition, Article 432, 3 states that 'any person who profits from the immoral earnings of a woman shall be liable to a term of imprisonment not exceeding twelve days or a first-category fine' (up to a maximum of Fl.500).

396. Traffic in women (and in minors of the male sex) is punishable under Article 250ter of the Criminal Code by a term of imprisonment not exceeding five years or a fourth-category fine (up to a maximum of Fl.25,000). This article dates from 1911. The penalization of traffic in women is based on the Treaty of Paris of 4 May 1910 concerning traffic in women and girls.

397. In the article relating to the offence there is no definition of the concept of traffic in women. It is interpreted by the courts as any action intended to induce a woman to engage in prostitution. Whether or not she assents to such an action is immaterial. It is enough to entice, recruit or bring pressure to bear on a woman to engage in prostitution (e.g. Supreme Court, 11 March 1986, Dutch Law Reports 1986, 737).

398. If the offences under 250bis or 250ter are committed in

the course of the offender's profession, he may be debarred from the further practice of that profession (Article 251, 2). Furthermore, he may be deprived of some rights, such as the right to hold certain offices, to serve with the armed forces, to practice as a barrister or to act as a receiver appointed by the courts (Article 251, 1).

Future legislation

399. The government has proposed to Parliament that Articles 250bis and 250ter of the Criminal Code be amended to bring them more into line with contemporary life and changing policies. The amended articles were approved by Parliament. When the First Chamber also approves, the articles will then read as follows:

Article 250bis

1. Any person who makes a profession of wilfully occasioning or promoting sexual acts of others with third persons if such
   1. is prohibited under municipal bye-laws,
   2. takes place without a permit if such a permit is required under municipal bye-laws,
   3. involves persons who require a permit to work in the Netherlands in accordance with the provisions of the Foreign Workers (Employment) Act (Bulletin of Acts, Orders and Decrees 1978, 737),

shall be liable to a term of imprisonment not exceeding one year or a third-category fine, or to both.

2. 1. Any person who by means of violence or any other physical action or by means of threats of violence or of any other physical action or by misusing authority or influence derived from the actual state of affairs, or by means of deception, induces another person to surrender profits derived from his or her sexual acts; and

2. any person who induces a minor to surrender profits derived from his or her sexual acts,

shall be liable to a term of imprisonment not exceeding six years or a fifth-category fine, or to both.

3. The offences of:
   1. inducing a minor as referred to in paragraph 2.2 if the said minor is aged less than sixteen years;
   2. and occasioning grievous bodily harm through violence or any other physical action as referred to in paragraph 1 above,

shall render the offender liable to a term of imprisonment not exceeding eight years or a fifth-category fine, or to both.

Article 250ter

1. Any person who:
   1. induces another person to engage in prostitution by means of violence or any other physical action or by means of threats of violence or of any other physical action or by misusing authority or influence derived from the actual state of affairs, or by means of deception, or who under any such circumstances undertakes any action which he or she knows or may reasonably be expected to know will lead to the other person's becoming engaged in prostitution;
   2. recruits, takes away or abducts another person for the purpose of that person's engaging in prostitution in another country;
   3. or causes a minor to engage in prostitution or acts in a way that he or she knows or may reasonably be expected to know will cause the said minor to engage in prostitution;

shall be guilty of traffic in persons and liable to a term of imprisonment not exceeding six years or a fifth-category fine, or to both.

2. The offences of:
   1. traffic in persons committed by two or more persons acting in concert;
   2. traffic in persons where the victim is aged less than sixteen years; and
   3. traffic in persons accompanied by violence or any other physical action as referred to in paragraph 1 occasioning grievous bodily harm;

shall be punishable by a term of imprisonment not exceeding eight years or a fifth-category fine, or both.

3. The offence of traffic in persons committed by two or more persons acting in concert in the circumstances referred to in paragraphs 2 and 3 shall be punishable by a term of imprisonment not exceeding ten years or a fifth-category fine, or both.

Statutory amendments and present practice

A. Voluntary and forced prostitution

400. The Netherlands government takes the view that in accordance with present-day attitudes, the wishes of persons engaging in prostitution can no longer be left out of account. It follows from the right to self-determination that an independent adult man or woman is free to choose - i.e. without inadmissible pressure being brought to bear - to engage in prostitution and to surrender to another person the profits so derived. In a situation of this kind the Public Prosecutions Department does not institute proceedings. The exploitation of prostitution is a social reality that cannot be suppressed by law. For this reason the Netherlands has not ratified the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 2 December 1949, as it is mandatory upon the States Parties to prohibit all forms of exploitation of prostitution.

Netherlands policy is based on the premise that criminal proceedings should be instituted only in situations in any way involving coercion or deception, or in which misuse is made of the dependent position of women. This is the principle and the practice behind the proposed amendments to Articles 250bis and 250ter of the Criminal Code. The inadmissible pressure referred to above is fully defined and covers all possible forms of coercion and deception. The definition is based on concepts formulated by a working group set up by the Committee of Procurators General (the highest policy-making body in the Public Prosecutions Department) to study the problem of traffic in women. For example, 'misusing authority or influence derived from the actual state of affairs' is presumed to be the case when a male or female prostitute is in a situation different from that of other adult prostitutes in the Netherlands. It allows both administrative and judicial action to be taken against any person who makes use of an exploitative situation to keep others engaged in prostitution or to bring or try to bring them to engage in prostitution - in the latter case not only if he or she knows but also may reasonably be expected to know that his or her actions will lead to those others' prostitution. Charges can thus be brought against persons who lead a woman into prostitution and also against persons who make use of the exploitative situation. An exploitative situation may exist with regard to women from other countries, persons addicted to drugs, gambling or alcohol, and persons who are very young.

401. To give an example, a woman may borrow money to pay for her passage to the Netherlands. The repayment terms may be such that she is compelled not only to engage in prostitution, but to continue to do so. It is true to say in this context, but also in a more general sense, that women lacking financial resources of their own may quickly find themselves being exploited. The proposed Article 250ter, paragraph 1, 2 constitutes an exception to the principle of free will by making it an indictable offence to recruit, take away or abduct an-

other person for the purpose of that person's engaging in prostitution in another country. This provision derives from the obligation of the Netherlands under the International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, which contains a similar provision. The question of whether coercion or inadmissible pressure is involved, which is often difficult to establish, is irrelevant here and forms no part of the prosecution's case.

B. Minors

402. The basic premise of Dutch policy concerning minors is the fact that they, and especially those under sixteen years of age, are in need of extra protection. Pursuant to Article 247 of the Criminal Code, anyone who induces a minor under the age of sixteen to commit or to submit to an indecent act is liable to a term of imprisonment not exceeding six years or a fourth-category fine. In addition, wilfully causing or encouraging a minor to commit an indecent act with another person is an indictable offence under Article 250, paragraph 1, 2 of the Criminal Code. The proposed amendments to Articles 250bis and 250ter make specific provision for the protection of minors against traffic in persons and exploitation of prostitution. Where the victim is under the age of sixteen, the penalty is heavier. The principle of free will is not applicable in the case of minors. Anyone who engages in prostitution has made a decision with far-reaching consequences. The Netherlands government is of the opinion that generally speaking, minors lack the knowledge and experience needed to understand the consequences of a decision to enter a life of prostitution. The age limit is based on the view that 'misuse of authority or influence derived from the actual state of affairs' is inherent in exploitation of the prostitution of minors.

C. Heavier penalties

403. It is often extremely difficult to prove or to determine who is responsible for the presence of foreign prostitutes in sex establishments. It is sometimes the owner who recruits them, and sometimes a third person, who then disappears from the scene. In such cases traffic in women (Article 250ter) can scarcely ever be proved, with the consequence that charges can then only be brought under Article 250bis, which prescribes an appreciably lighter penalty than for offences under Article 250ter. The proposed amendments to these articles provide for heavier, identical penalties for both offences, rendering the offence of traffic in persons liable to the same penalties as offences under Article 250bis.

D. Wider municipal powers

404. The present legislation allows municipalities only limited powers of control. Though no action is taken against the voluntary practice and exploitation of prostitution, the keeping of a brothel is in fact prohibited under Article 250bis of the Criminal Code. Municipal authorities are consequently unable to regulate the exploitation of sex establishments. By permitting the practice and exploitation of prostitution, the proposed amendments make it possible for them to exercise greater control. Under the proposed Article 250, paragraph 1, municipalities can issue regulations governing the exploitation of sex establishments. If they introduce a licensing system, they can declare the exploitation of a brothel without a licence to be an offence. The issuing of a licence may be made subject to requirements regarding prostitutes' terms and conditions of work, such as proper hygiene, adequate ventilation, etc. Failure to meet such minimum requirements could be regarded as the misuse of authority or influence derived from the actual state of affairs, constituting an offence which could be followed by closure of the

establishment and the institution of proceedings. It would in all circumstances be an offence to employ prostitutes who require a work permit under the Foreign Workers (Employment) Act. This is designed to strengthen the safeguards against exploitation of women from non-EC countries. Model regulations drawn up by the Union of Netherlands Municipalities for inclusion in municipal bye-laws contain a provision making eligibility for a licence dependent on the fulfilment of certain conditions fixed by municipal executives in the interests of the freedom, safety, health and working conditions of prostitutes. There are no plans for the registration and compulsory medical examination of prostitutes, as many would evade it. The prostitutes' organisation, The Red Thread, agrees that this would serve no useful purpose.

E. Enforcement of the law

405. Policy in the Netherlands is primarily aimed at promoting the detection and prosecution of persons guilty of traffic in women. The proposed amendments to the articles of the Criminal Code relating to exploitation of prostitution and traffic in women are designed to further this aim.

406. In 1989 the Procurators General issued a number of guidelines on such offences (Government Gazette 1989, No.100) which were forwarded to all chief public prosecutors for circulation to the police forces (vice squads) and aliens departments in their districts. Their definition of traffic in women is virtually identical to that in the proposed amendments to Article 250ter of the Criminal Code. They recommend that the police make available all relevant data on suspected traffic in women to the Central Criminal Information Department, and that the officers policing red-light districts be organised in special groups. If police officers are visibly and recognisably present, victims will be more likely to report crimes. The guidelines also refer to the importance of

enlisting the services of specialists and counsellors, especially in the case of foreign women. Besides allaying the fears of victims and increasing their readiness to bring charges or give evidence as witnesses, they can explain the cultural background of victims in order to avoid misunderstanding when they are questioned by the police.

407. To encourage foreign women to report offences to the police, the official instructions regarding the treatment of aliens were changed in 1988. In order to ensure that fear of deportation does not prevent victims of traffic in women from coming forward, they may now be issued with residence permits for at least the time required for the investigation and the court hearing. In that time the victim must be given the opportunity to decide in peace and quiet whether or not to continue with the case, to undergo a medical examination and, should she so wish, to consult a lawyer about bringing a civil case against the offenders.

408. In 1991 the Central Criminal Information Department opened 34 files on cases of traffic in persons, the majority of which concerned women. The number of cases in 1989 and 1990 was about 25. Such investigations are lengthy and expensive. Some are still in progress, and some have led to convictions. It is moreover extremely difficult to judge the precise nature and extent of traffic in women. Although no exact data are available, according to a study conducted in 1985 by the Ministry of Employment and Social Affairs, an estimated 25 to 60 per cent of window prostitutes (depending on the place) come from Third World countries in Southeast Asia (notably Thailand), Latin America (Colombia and the Dominican Republic) and Africa (Ghana). In recent years many women have arrived from Eastern Europe. Their skin colour makes them less readily identifiable as foreigners for the police and social welfare services, and thus of greater value to the trafficker. Growing evidence that traffic in women is part of international organised crime makes it imperative for

countries to work together. Greater cooperation at all levels was urged at a seminar on action against traffic in women and forced prostitution as violations of human rights and human dignity, which was held in September 1991 by the Council of Europe on the initiative of the Netherlands.

Pressure groups and aid agencies

409. An important part in the prevention of traffic in women and the exploitation of prostitutes is played by organisations such as the Organisation Against Traffic in Women, established in 1987 on the initiative of a number of groups that had concerned themselves with the problem of prostitution tourism and traffic in women since 1982. It was first financed by the Ministry of Employment and Social Affairs, and later by the Ministry of Welfare, Health and Cultural Affairs. The Organisation's work includes:

- emergency aid for victims of traffic in women: safe accommodation, legal assistance, medical, psychiatric and social assistance, counselling and support in their contact with the police and the Aliens Department and during criminal proceedings, help in starting a new life and with voluntary or enforced repatriation;
- the promotion of adequate aid by the social welfare services for victims of traffic in women and identification of problem areas within those services;
- publicity, information (including the organisation of seminars) and lobbying at political, judicial and government levels;
- the establishment of national and international networks.

410. The majority of women are brought into contact with the Organisation by the police, and many others by the Aliens Department. It dealt with 80 cases in 1989, some of which demanded a great deal of time. A number of requests for as-

sistance came from welfare services, lawyers and clients of the women. The total number of cases in 1990 was 69; of the 52 cases registered in 1991, 26 were reported to the police. From 1987 to mid-1991, criminal proceedings were instituted in 21 instances against a total of 42 suspects. The sentences varied from 6 months to 4 1/2 years, and some defendants were acquitted. In some instances the charge was dropped by the public prosecutor, and some cases were closed for lack of evidence.

411. An organisation of prostitutes and ex-prostitutes, The Red Thread, was set up in 1984 as a sort of trade union providing information (legal, medical, etc.) and promoting the interests of prostitutes with employers and government authorities. In the absence of a register of prostitutes, it is very difficult to estimate their number. The Red Thread puts the total at 20,000 to 25,000 women, who spend an average of 10 to 15 years in the profession. It is thought that 60 to 70 per cent work in clubs, private houses and escort agencies, 15 to 20 per cent in window prostitution, and 3 to 5 per cent on the streets. As the organisation is in a position to supply information based on experience, it is regularly consulted by the government in its efforts to halt the exploitation of prostitutes.

412. The Mr A. de Graaf Foundation is a national organisation whose activities include:

- drawing up recommendations for national and local authorities on request or on its own initiative. Its many contacts in the world of prostitution enable it to make a useful contribution to the formulation of policy;
- research in such areas as heroin addiction among prostitutes, women seeking help (financed by the Ministry of Employment and Social Affairs) and prostitution and AIDS;
- providing information for target groups among

prostitutes and documentation for third parties. The Foundation is subsidised by the Ministry of Welfare, Health and Cultural Affairs.

413. Many regional and local organisations and individuals help victims of traffic in women, sexual violence and exploitation of prostitution. They include the health and personal social services, drug control centres, municipal social welfare departments, neighbourhood women's employment centres, regional institutes for ambulatory mental health care, migrant workers' organisations, shelters for battered women and the police. Many prostitutes make use of the municipal health services for regular medical examinations. Well integrated into all communities, they are readily accessible to everyone, irrespective of income. At the request of The Red Thread organisation, the Amsterdam municipal health service recently instituted special consulting hours for prostitutes who wish to retain their anonymity. Amsterdam, Rotterdam and The Hague have appointed women field workers who seek contact with prostitutes and try to establish a confidential relationship with them. Working from their own offices, they help prostitutes with problems in a wide variety of fields, such as housing, the police, sexual violence, drug addiction, and so on. They work in close cooperation with municipal institutions and the police in finding solutions to the problems they encounter.

ARTICLE 7 - POLITICAL AND PUBLIC LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and in particular shall ensure to women on equal terms with men, the right:

General

414. Article 7 of the Convention says that measures shall be taken to eliminate discrimination against women in political and public life by ensuring that they have the right:

1. to vote in all elections and public referenda and be eligible for election to all publicly elected bodies (part a.);
2. to hold public office (part b.);
3. to participate in non-governmental organizations and associations concerned with the public and political life of the country (part c.).

(a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

ARTICLE 7 (a)

Constitution

415. Article 4 of the Constitution states that every Dutch national shall have an equal right to elect the members of the general representative bodies and to stand for election as a member of those bodies, subject to the limitations and exceptions prescribed by act of parliament. The details of these provisions are elaborated in the Franchise Act (Bulletin of Acts, Orders and Decrees 1989, 423). No distinction is made between men and women.

Using the right to vote

416. Women in the Netherlands use their right to vote and to stand for election. The percentages of votes cast by men and women in elections to the Second Chamber of parliament are virtually identical. In 1982, 89.2% of men and 88.7% of women voted. In 1987, the figure was 93% for both men and women. In 1989, the percentage of women who voted (94%) was higher than the percentage of men (91%).

The right to stand for election

417. The percentage of women members of parliament has increased over the years since the seventies. At the last elections to the Second Chamber of parliament (1989), the municipal councils (1990) and the provincial councils (1991), the number of women who were elected again went up as the following figures confirm.

Table I: percentage of women members of the Second Chamber of parliament 1977-1989

1977:	14.0
1981:	14.7
1982:	16.7
1986:	20.0
1989:	25.0

Table II: percentage of women members of the First Chamber of parliament 1977-1991

1977:	9.3
1981:	21.3
1987:	26.6
1991:	28.0

Table III: percentage of women members of the provincial councils 1978 - 1991

Name of province	1978	1982	1987	1991
Groningen	18,2	16,4	23,6	27,3
Friesland	20,0	23,6	30,9	32,7
Drenthe	15,7	19,6	25,5	39,2
Overijssel	14,3	19,0	20,6	31,8
Gelderland	12,7	23,9	33,8	33,3
Utrecht	20,3	23,7	28,8	31,8
North Holland	19,0	26,6	29,1	32,9
South Holland	15,7	24,1	22,8	28,9
Zeeland	14,9	14,9	19,1	17,0
North Brabant	15,2	17,7	16,4	35,4
Limburg	11,1	12,7	17,5	19,0
Flevoland	-	-	20,5	18,6
All provinces	16,0	20,6	25,0	29,6

The percentage of women who were members of day-to-day provincial executives was 23.7% in 1991.

Table IV: percentage of women members of municipal councils 1978-1990

1978:	12.5
1982:	15.6
1986:	19.1
1990:	22.0

The percentage of women aldermen (members of day-to-day municipal executives) was 17% in 1990.

Finally, the percentage of Dutch women members of the European

Parliament was 28% in 1989.

Distinction in electing the executive councils of water authorities

418. Several provincial regulations on water authorities contained provisions governing voting rights in elections to the executive councils of water authorities, based on the ownership of real estate in accordance with the national property register. If real estate was part of communal matrimonial property and the names of both partners were entered in the register, the partner whose name appeared first in the register was entitled to vote. In most cases this was the husband.

419. In view of this situation, section 28 of the new Water Authorities Act (Bulletin of Acts, Orders and Decree 1991, 444) now contains the following provisions: "If real estate which forms part of the communal property of married partners is registered in the name of one of the partners, the other partner may exercise the right to vote in the place of the first partner. If such goods are registered in both names, either of the partners may exercise the right to vote, provided that only one vote is cast."

ARTICLE 7 (b)

(b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.

Legislation

420. The Equal Employment Opportunities Act (Bulletin of Acts Orders and Decrees 1989,169) and article 1632ij of the Netherlands Civil Code prohibit any direct or indirect distinction between men and women in relation to employment. A

distinction according to sex is prohibited in relation to recruitment, selection, appointment, remuneration and other conditions of employment, promotion, training and dismissal. The prohibitions do not apply if the distinction is intended to give women preferential treatment in order to eliminate actual inequalities. In view of the present position of women as regards both their participation in work and the types and levels of positions they occupy, women are still in a disadvantaged position.

Preferential treatment policy

421. In accordance with this legislation and with article 4, paragraph 1 of the Convention, national public service recruitment and selection procedures give preferential treatment to women candidates with the aim of achieving an equal representation of women at all levels within departments and agencies, in proportion to the number of women to the number of qualified people on the labour market. As regards recruitment and selection, the basic principle is that women receive preferential treatment if the candidates are of equally merit. In view of the need for a public service which operates effectively, this policy is subject to the condition that the relevant job requirements are retained and that recruitment and selection are largely based on criteria relating to skills and suitability.

422. Preferential treatment policy is incorporated into positive action programmes which usually consist of a coherent programme of measures aimed at promoting the recruitment, selection and appointment of women, the promotion and training of women and ensuring that women do not leave the service of the employer. All the ministries began setting up positive action programmes for women in stages starting in 1988, in order to achieve the objectives of preferential treatment policy. These programmes had been set in motion in virtually all government departments by 1990. Depending on their

specific circumstances, departments are responsible for setting their own target figures. They also determine measures which are to be taken in the framework of the proposed programmes. The suitability requirement is retained and recruitment and selection are based on giving women preferential treatment if two or more candidates are of equal merit. Additional forms of preferential treatment can be used, depending on the ground which women need to make up.

The government

423. The government in the Netherlands consists of the monarch, who is formally the head of government, and the ministers. The adminstration consists of the ministers and state secretaries and takes its name from the chairman of the council of ministers.

424. In the present administration (1989 - ...) 3 of the 14 ministers are women (21.4%) and 3 of the 10 state secretaries (30%).

Queen's commissioners and burgomasters

425. The following comments apply to policy on the appointment of Queen's Commissioners (chair of the day-to-day executive of the provinces) and burgomasters (chair of the day-to-day executive of municipalities). At the present time there are no women Queen's Commissioners (0%). Of the 647 burgomasters, 54 are women (8.3%), which is a small number in absolute terms and relatively speaking compared with the number of women in other political and administrative positions (approximately 20%). The government therefore recognises that women are under-represented in these positions.

426. In 1991, the Emancipation Council published a report entitled "Women in politics and public administration" in which it made recommendations, among other things, about women candidates for the position of burgomaster and the appointment

of women burgomasters. The government will announce its standpoint in the near future in its response to the recommendations. One of the Council's recommendations relates to the requirements that at least half the candidates whose names are submitted to the Minister of Home Affairs should be women. The success or failure of this requirement will depend on the availability of a sufficient number of suitable women candidates, since obviously only women who are suitable can be put forward for office. However, the government recognises that this is not the only reason for the small number of women among the ranks of burgomasters. Women will therefore be encouraged to apply for appointment as burgomasters more than they have been in the past.

427. The Minister of Home Affairs decided that as of 1 January 1992, the following passage should be included in announcements of vacancies for Queen's Commissioners and burgomasters:

> "If there are two candidates of equal merit, preference will be given to a woman in view of the under-representation of women in the office of burgomaster (or Queen's Commisisoner)."

428. In January 1992, the government sent its draft version of the Emancipation Policy Programme 1992-1995 to the Emancipation Council for advice. The programme includes among other things, targets for the appointment of women to the office of Queen's Commissioner and burgomaster. In 1995, at least 1 of the 12 Queen's Commissioners must be a woman. The number of women burgomasters must double by the same time from 8 to 16%, in other words more than 100 women must hold this particular office.

Government advisory bodies

429. Preferential treatment for women also applies to vacancies on government advisory bodies. This policy was laid

down in 1987 in the instructions on external advisory bodies. Preferential treatment means giving preference to women if the candidates are of equal merit, as a way of achieving a situation in which the composition of advisory bodies is ultimately made up of equal numbers of men and women.

430. The number of women who take part in external advisory bodies is small (11.7% in 1991). The last survey conducted in 1989 shows that approximately half of all advisory bodies do not include a single woman. However, it should be added that the effects of preferential treatment take a long time to work through the system, partly because of the length of time for which members are appointed. Moreover, preferential treatment applies only if the members of the advisory body are appointed by the state (a minister or the Crown). In many cases, the government depends on names being put forward by other parties. Steps are now being taken to see how the policy can be tightened up in view of the disappointing results.

431. The target will have to be an average of at least 15% women members of external advisory bodies in 1995 and at least 20% women members of inter ministerial committees.

Women in the government service

432. The proportion of women employed by the government service between 1984 and 1989 is given below.

Totals

In 1984 22,9% of government employees were women. The figure went up to 27,9% in 1991, when 39883 women and 103002 men were employed by the government.

Recruitment/promotion/departures

In 1991, women joining the government service outnumbered men, accounting for 52.2% of the total intake (6,130 from a total of 11,735). In 1991, the number of women who left the

government service amounted to 41.7% of the total, i.e. 6,636 compared with 15,927 men. This means that there has been a net increase in the number of women. This growth amounts to some 1% per year.

Levels of appointments

The distribution of men and women among the various levels of appointments shows that women are still strongly represented in the lower scales (1 to 9) and are only represented to a very limited extent on higher scales (scales 10 to 18). Whereas in 1984 the percentage of women on scale 10 and above amounted to only 8.7%, by 1991 this figure had gone up to 15%. The increase in women employed at higher scales is rising faster than the increase in the percentage of women in the government service as a whole, amounting to some 1.5% a year.

Part-time work

433. In 1989, 3.6% of men and 42.2% of women worked part-time. As other labour market data show, the rise in the percentage of women in the government service in 1989 was mainly among part-time workers.

General assessment

434. Although there has been a modest increase in the number of women in the government service, achievement of the objective set for the government service is still a distant prospect. The data show that the main objective of an equitable balance has not been achieved in either quantitative or qualitative terms. Positive action policy within the government service will therefore be continued and intensified from now until 1995. The council of ministers has approved the follow-up Policy Document on Positive Action for Women in the Government Service 1991-1995, under the terms of which the target will be to increase the number of women in the total government work-force by 1% a year (30% in 1995) and 1.5% a year for positions from scale 10 (20% in 1995).

435. A positive action service point created by the Ministry of Home Affairs in 1988, supports government organizations in achieving this goal. It provides information in the form of brochures and leaflets, organises meetings and publishes its own newspaper six times a year.

Provinces and municipalities

436. The Netherlands is a decentralised unitary state. The provinces and municipalities have autonomous powers to pursue their own policies and are therefore responsible for preferential treatment in relation to staff recruitment, selection and appointments. A considerable number of municipalities and provinces are developing and introducing their own preferential treatment policy for women, which in many cases is incorporated into positive action plans. As central government does not have a direct influence on the policy of the municipalities, no data are compiled at central level about the results of the policy of municipalities in this area.

Measures connected with parenthood

437. Maternity leave is granted by law to all government employees, including employees of the municipalities and provinces (Bulletin of Acts, Orders and Decrees 1991, 347). Female employees are entitled to maternity leave for a period of sixteen weeks. Leave should be taken from four to six weeks before the expected date of birth in order to protect the expectant mother's health. Women and men who combine working with looking after children need good child-minding facilities such as day centres and creches. In recent years, these facilities have expanded dramatically. As far as central government is concerned, more and more ministries are making their own arrangements for their employees.

438. The Parental Leave Act which has applied to all employees

(men and women) in the private and public sectors since 1991 states that anyone who has been working for the same employer for more than a year has the right to a maximum of 6 months' unpaid leave to look after a child under the age of 4. The employee must continue to work a minimum of 20 hours a week. Employers and employees are free to make other arrangements within their particular area of work or sector of government. A scheme has been introduced for government employees and included in the regulations on legal status which exceeds the legal minimum since employees receive 75% of their normal salary during parental leave. The number of hours that employees must continue working has been changed from the legal minimum of 20 to a minium of 8 hours a week, depending on the person's normal working hours.

439. Similar schemes have been introduced for employees of the municipalities and provinces.

ARTICLE 7 (c)

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

440. The following comments apply to the access of women to non-governmental organizations and public and political life. Article 7 (c) of the Convention should be viewed in conjunction with the freedom of meeting and association laid down in article 11 of the European Convention on Human Rights and Fundamental Freedoms, articles 21 and 22 of the International Convention on Civil and Political Rights and Title 2 of Book 2 of the Netherlands Civil Code. No legal regulations therefore apply to the equal access of men and women to membership, including membership of associations and other organizations of a political nature. There are no proposals to introduce such regulations in view of the fundamental importance of this freedom.

441. Within the limits of this freedom there are numerous opportunities for people to take part in organised political or public life based on shared beliefs or principles. In exercising their freedom, people may be asked to meet certain requirements in order to comply with legally permissible, shared goals. Such requirements may relate to the sex of the person (for example associations to represent the interest of specific groups of women or men). However, the freedom applies equally to men and women.

442. Although political parties have this freedom, as can be seen from Tables I to IV, the number of women who take part in political life is increasing. This development is probably associated with the emancipation of women in general. Women have more or less completely caught up with men as far as education is concerned and more of them work nowadays. As part of the general trend, its is expected that more women will feel a desire to play an active role in political life. Nonetheless, additional efforts will be needed to promote this process in practical terms. The government and some political parties are therefore making efforts to increase the number of elected women representatives. With the exception of the Centre Democrats and the smaller denominational political parties (SGP, GPV and RPF) all the parties pursue a positive action policy. Separate officials, working groups or committees within the parties are actively involved in carrying out this policy, supported by government grants. The majority of measures are designed to activate and inform women members. A great deal of attention has also been devoted to creating support for a positive action policy among party members. Training and educational activities, the creation of a bank of experts and specific campaigns to recruit more women members have been and continue to be important.

443. All of the major parties are seeking to achieve a balanced representation of women (sometimes interpreted as

proportional to the percentage of women among their members). The PvdA (Labour Party) uses a minimum percentage of 25% women for all party bodies and candidates. The CDA (Christian Democratic Alliance) intends to work with target figures. The VVD (People's Party for Freedom and Democracy) and D66 (Democrats 66) place more emphasis on encouraging women to stand as candidates. D66 has set up a bank of experts for this purpose.

444. Dutch government policy in this area is indirect. It tries to encourage the parties to pursue a positive action policy, especially by means of grants. In 1991, the Emancipation Council published a report on the participation of women in political and public administration. The report is now being systematically analyzed to determine whether the policy that has been pursued to date has been adequate in all respects and to establish how policy can be intensified. The Emancipation Council has made a large number of suggestions on this topic. However, it also recognises that the freedom of political parties must be respected by the government and that it can therefore only use indirect policy instruments.

ARTICLE 8. INTERNATIONAL REPRESENTATION

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Women in the Ministry of Foreign Affairs

445. Women have the same opportunities as men to represent the Netherlands at the international level. The Personnel Management Directorate of the Ministry works according to a system whereby officials serve both in the Ministry and in diplomatic missions abroad. Recruitment and selection take place at the junior level. The number of women selected has risen sharply in the last ten years, but women are still under-represented in the senior grades. The present 89 Dutch ambassadors include only one woman. Through the higher intake of women it is hoped to increase the number of women ambassadors in the foreseeable future.

446. A positive action plan for women was introduced in 1988. It contains target percentages for the recruitment and promotion of women, and measures to foster the intake and promotion of women and to reduce the number who resign. To this end a day nursery was opened at the Ministry in 1990, and a 'return scheme' now in operation makes it possible for women who were obliged to resign for family reasons or because their partners were posted abroad to return to their jobs. Moreover, care is taken to ensure that women are represented on committees dealing with personnel matters, such as the advisory committees on appointments and promotion.

Table 1 of the annex to this article shows the total number of women in the Ministry, Table 2 the distribution of women per

grade, and Table 3 the percentage of women appointed. The total number of women in the Ministry is rising appreciably.

Women in UN organisations

447. The Netherlands actively supports women candidates for vacancies in international organisations, and assists them with the application procedures. Though women are encouraged to apply for senior posts, it is proving difficult to find suitable candidates. No more than 10% of those eligible for such posts are women.

448. In development cooperation, 29.7% of the participants in the Multilateral Associate Expert Programme are women. The Netherlands seeks to increase the number of women experts.

449. Since 1990 preferential treatment has been accorded to women in recruitment and selection. Women with the requisite qualifications take priority over more experienced male applicants.

Netherlands NGOs

450. As full partners in international activities, NGOs make an effective contribution to the accomplishment of the goals set by the Convention. Their specific expertise and experience have proved to be invaluable in a wide diversity of fields, including the preparation of international instruments. The work of NGOs such as the International Alliance of Women and the International Federation of University Women is therefore essential, and at times indispensable. The women's organisations accorded a consultative status with ECOSOC, and the women's sections of political parties, are likewise active at the international level.

ANNEX TO ARTICLE 8

Table 1. Personnel (Ministry and abroad)

	31.12.1990			31.12.1989		31.12.88	
Grade/ salary scale	No.of men	No.of women	% women per grade	No.of women	% women per grade	No.of women	% women per grade
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
20	3	-	-	-	-	-	-
19	8	-	-	-	-	-	-
18	22	1	4%	1	(4%)	2	(6%)
17	30	-	-	-	-	-	-
16	58	3	5%	2	(3%)	2	(3%)
15	43	-	-	1	(3%)	-	-
14	114	3	3%	3	(3%)	4	(3%)
13	83	3	4%	3	(5%)	3	(8%)
12	200	20	10%	18	(8%)	16	(6%)
11	231	61	21%	55	(19%)	51	(17%)
10	183	83	31%	68	(25%)	64	(24%)
9	120	42	26%	43	(27%)	39	(31%)
8	136	70	34%	68	(33%)	67	(30%)
7	102	89	47%	78	(41%)	65	(37%)
6	98	105	52%	84	(43%)	95	(43%)
5	87	178	67%	177	(65%)	174	(65%)
4	85	230	73%	192	(67%)	170	(64%)
3	71	74	51%	111	(58%)	140	(61%)
2	11	1	8%	3	(21%)	4	(27%)
1	1	0	-	6	(35%)	3	(33%)

Source: Careers Policy Report, October 1991

Table 2. Distribution of women per grade (personnel posted abroad)

Grade/salary scale	1990	1989	1988
1-5	483 (65.4%)	489 (62.7%)	491 (62.7%)
6-9	306 (40.2%)	273 (36.4%)	266 (35.4%)
10-11	144 (25.8%)	123 (22.1%)	115 (20.5%)
12-14	26 (6.1%)	24 (5.7%)	23 (5.3%)
15 and higher	4 (2.4%)	4 (2.6%)	4 (3.0%)
Total	936 (36.4%)	913 (34.3%)	899 (33.7%)

Table 3. Intake of women, in percentages

	1990		1989	
Education	intake	target	intake	target
University	39%	40%	44%	40%
Higher commercial	67%	45%	50%	12%
Senior secondary commercial	50%	none		none

ARTICLE 9 NATIONALITY

Article 9, paragraph one

1. States Parties shall grant women equal rights with men to acquire change or retain their nationality. They shall ensure in, particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

Dutch nationality

451. The present Netherlands Nationality Act came into force on 1 January 1985. The act does not make any distinction between men and women in relation to acquiring, retaining or changing their nationality. Before the new act came into force, there was a distinction - for example before 1 March 1964, a woman lost her Dutch nationality, in principle permanently (except for the possibility of naturalisation at a subsequent date), if she was required to adopt the nationality of her husband under the terms of the legislation of his country of origin. Now both men and women who marry foreigners only lose their Dutch nationality in such cases if they voluntarily accept another nationality and not therefore if they are obliged to do so as a result of legislation which applies in another country (see section 15 (a) of the Nationality Act). Marriage to a non-Dutch person or a change in the nationality of the spouse does not therefore affect the Dutch nationality of the wife.

452. The New York Convention of 20 February 1957 on the nationality of married women has now been denounced by the Netherlands since the main provisions have been incorporated into this article. Moreover article 3 of the Convention is

based on inequality before the law of men and women in relation to acquiring nationality, which is at odds with Dutch policy. The deed of denunciation of the New York Convention was deposited by the Dutch permanent representative in New York on 16 January 1992.

Foreigners

453. As regards granting Dutch nationality to foreigners (naturalisation) or granting residence rights to stay in the country, Dutch law does not make a distinction between men and women (Article 52 of the Aliens Decree, Bulletin of Acts, Orders and Decrees 387, most recently amended on 9 December 1987, Bulletin of Acts, Orders and Decrees 558)

454. Most of the migrants who started coming to the Netherlands in the late fifties (Italians, Spaniards) were men. It was expected that they would stay in the Netherlands temporarily and would ultimately return to their country of origin. Admissions policy (based on recruitment agreements) did not make allowance for the fact these men had families. The immigration of workers came to an end in 1973 when the Netherlands no longer needed any more migrant workers. However, the government decided to allow the reunification of families of people who - contrary to expectation - wished to stay in the Netherlands. The Netherlands was therefore confronted with an influx of foreign women and children.

455. One of the features of policy on foreigners is that it usually follows developments in society. The rights of foreigners are laid down in the 1965 Aliens Act, orders in council emanating from the Act and a number of circulars which work out the details of the policy. The policy gradually devoted more attention to women. The government had to decide whether, for example, women would have to leave the Netherlands if they divorced their husbands (they had been granted residence permits for the purposes of "residing with husband").

456. To prevent a situation in which women would be brought to the Netherlands for improper or fraudulent purposes (marriages of convenience, the traffic in women, prostitution), a period of three years was introduced before they could be granted permission to stay in their own right (exceptions were made if there were pressing reasons of humanitarian nature, such as abuse within the marriage, Aliens Circular B19, article 4.3. under a and b). A separate residence permit is granted subject to certain conditions. For instance the person concerned must be able to support themselves after a period of one year (Aliens Circular B19, article 4.3 (d.)). However, women (and men, should the occasion arise) will not be in danger of losing their residence permit if they can not comply with this condition because they are looking after small children.

457. No distinction is made between men and women in handling applications from asylum seekers. However, since women asylum seekers sometimes say they are the victims of sexual violence, it is essential that they should be interviewed by a female official of the Ministry of Justice. Women asylum seekers who wish to be interviewed by a female official of the Ministry of Justice have the right to do so. The Ministry of Justice is trying to have at least 25 female officials who can carry out this work and has almost achieved this target.

458. Neither the law on foreigners or on nationality makes any distinction between men and women. In practice, however, it is difficult for some foreign women to request naturalisation or a residence permit. For example many foreign women are unaware that they can submit an application for naturalisation or a residence permit in their own right. As much information as possible is being provided by means of information evenings, leaflets and video tapes in various languages in order to reach these women.

Travel documents

459. Article 9 of the Passport Act (Bulletin of Acts, Orders

and Decrees 1991, 498) says that, within the limits laid down by the act, every Dutch person has the right to a Dutch passport which is valid for five years and for all countries. Neither men nor women therefore require the permission of anyone else to apply for a passport once they reach the age of maturity - 18 years of age. The limits laid down by law are summarised in section I of chapter III and relate to persons who must not remove themselves from the authority of the Dutch government for various reasons. If a man or woman has a valid travel document, he/she does not need anyone's permission to leave the country.

460. Children can travel on the passport of one of their parents up to the age of 16 (section 17 of the Passport Act). The other parent must also give permission for them to do so. The permission of both parents or at least the persons who exercise parental authority is necessary for a minor child to have its own passport (section 34, sub-section 1 of the Passport Act). If one of the parents refuses permission, the other parent may request the court to issue an alternative declaration. The decision of the court is based on the interest of the child, having listened to what both parents have to say (section 34, sub-section 2 of the Passport Act).

ARTICLE 9 paragraph two

2. States Parties shall grant women equal rights with men with respect to the nationality of their children

461. Under the old Netherlands Nationality Act, the nationality of the father took precedence in principle. Section 3 of the new act says that the child shall have Dutch nationality if the father or the mother has Dutch nationality at the time of the birth. This applies to children born after the new act came into force. Children who were born before 1 January 1985, who therefore had the father's nationality and who had not reached the age of 21 on 1 January 1985, had the

opportunity until 1 January 1988 to obtain Dutch nationality if the mother has it or had it (if she had died). They were required to make a declaration at such times. If the child had not reached the age of 18, the declaration had to be made by the mother or by the legal representative if she had died (Section 27, sub-section 2 of the new Netherlands Nationality Act).

ARTICLE 10. EDUCATION

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training:

General

462. The various types of education offered in the Netherlands are as follows:

1. primary education (4 - 12 years);
2. special secondary education for children for whom is certain that they need a predominantly remedial educational approach (8 - 20 years);
3. secondary education (12 - 18/20 years):
   - junior secondary vocational education (lbo)
   - junior general secondary education (mavo)
   - senior general secondary education (havo)
   - pre-university education (vwo)
   - senior secondary vocational education (mbo)
   - short senior secondary vocational courses (kmbo)
   - part-time non-formal education for the over-15s who have left school
   - apprenticeship system

   (The last four require lbo and mavo qualifications)
4. higher education (from approximately 18 years):

- higher vocational education (hbo)
- university education (wo)
- open university

5. adult education

463. The statutory provisions relating to the various education sectors contain no formal obstacles to the participation of girls and women. In those instances where admission to educational establishments is subject to conditions, they are applicable to both sexes. Equal rights in the field of education are therefore guaranteed.

464. There are likewise no practical obstacles to equal rights in education. It is nonetheless the case, however, that some subjects and courses appeal more to one sex than to the other.

Girls completing primary, secondary and higher education, in percentages

Primary	50
General secondary	50
Junior and senior secondary vocational	45
Higher vocational	48
University	41

Source: Central Statistics Office, Education Statistics 1991

Choice of subject - careers guidance

465. In the majority of secondary schools one of the staff is allocated part time to the function of careers officer, who counsels pupils in their choice of examination subjects and the next stage of their education. Special in-service training courses are available to careers officers, but are not compulsory. Plans are at present being drafted for training in 'emancipatory vocational guidance'.

466. All institutions of further education provide the local secondary schools with information on the courses they offer. The Ministry of Education publishes brochures giving fairly general information on all types of education, demonstrating that technical subjects and the exact sciences, for instance, are just as suitable for girls as for boys. Some are also published in other languages. Large quantities of material encouraging girls to opt for subjects of this kind are produced by organisations which actively promote less traditional careers for girls.

467. Generally speaking, girls require no incentive to continue their education. Girls from migrant families, however, form an exception in that they too often go on to the lowest forms of secondary education or leave school on reaching the age at which education ceases to be compulsory. Also, some special stimulus is needed to eliminate stereotyped concepts of education suitable for girls. Efforts of this kind have to date met with only limited success.

468. There are no formal obstacles to educational choices for girls. The existing obstacles are largely culturally determined: girls are still brought up from infancy with a specific self-image which, as research has shown, is reinforced by teachers and careers officers, even those who consider themselves to be free of all discriminatory tendencies.

469. Some occupations are still regarded as typically male or female occupations. Research has shown that girls who leave technical schools before completing the course generally do so for social reasons. They do not feel comfortable as the only girl, or one of a few girls, amongst boys. An obstacle to a wider choice for boys, on the other hand, can be the fact that an educational course or occupation which attracts a growing number of girls diminishes in status.

(b) **Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;**

Examination subjects

470. All schools in the Netherlands are co-educational. The curriculum is the same in all primary schools, and notwithstanding the differences between boys and girls in their choice of studies in general secondary schools, they have access to the same curricula and the same examinations.

471. Though there is little difference between boys and girls in secondary schools as regards educational achievement, they tend to opt for different subjects.

472. Exact data on the composition of study packages in general secondary education are not available. Information is available, however, on the subjects in which boys and girls take examinations.

Percentages of boys and girls who took general secondary school leaving examinations in the exact sciences in 1989

Mathematics	Applied	Pure	Physics	Chemistry
Pre-university				
girls	58	31	28	29
boys	61	62	62	48
Senior general				
girls	51	-	12	24
boys	80	-	51	40
Junior general				
girls	59	-	16	36
boys	84	-	60	55

Source: Central Statistics Office, Education Statistics 1990

473. Measures are devised to encourage girls to choose non-traditional school subjects and occupations, and brought to the attention of school and independent careers counsellors, who are invited to follow special training courses. Between 1987 and 1990 the government conducted two campaigns directed toward girls. One, `the exact choice,' focused on the importance of studying the exact sciences as leaving examination subjects; the other, `the exact pass,' was designed to persuade more girls to follow higher education courses in the exact sciences and technology. At the present time a more general campaign is being conducted to heighten awareness of the need for girls to achieve economic independence and thus to opt for an education offering prospects for the future. Particular efforts to influence vocational choice are focused on school careers officers.

474. After the introduction in 1993 of the same basic curriculum for the first three years of secondary education, all pupils will study the new subjects of technology and `self-sufficiency' (broadly, social and life skills), which should help to counter stereotyped concepts of the roles of the sexes.

475. In junior and senior secondary vocational education and higher vocational education there is still an overweening tendency amongst boys to choose technical and science subjects, while girls opt for the caring professions.

476. Over the last 25 years there has been a considerable increase in the number of girls taking part in apprenticeship schemes. In 1966 only 5% of apprentices were girls, whereas they now make up 25% of the total.

477. There are various factors underlying the sharp growth in the number of girls in apprenticeship schemes, one of which is the establishment of new courses in this sector, such as cooking techniques and motor mechanics. Despite this promising

trend the inequality between girls and boys training within the apprenticeship system is still great. Policy remains geared to reducing this inequality.

478. In senior secondary vocational education the sexes are fairly evenly represented. However, when one looks at the situation per sector, a different picture emerges, as is evident from the table below, which relates to the 1991/92 academic year.

1. long courses

service sector and health care	89.25% girls
economics	49.53% girls
technology	13.67% girls
agriculture	8.53% girls
other	62.82% girls

2. short courses

service sector and health care	92.75% girls
economics	58.26% girls
technology	5.93% girls
other	56.70% girls

479. In higher vocational education, government policy is concentrated on promoting the inflow and graduation of women students, particularly in technology and economics, both fields of study in which they are under-represented. Some universities have received grants for counselling, recruiting and assisting women students. In some teacher training courses, including retraining courses for women, a more female-oriented approach is now followed. Partly owing to the present shortage of teachers of physics, mathematics, economics and electrical engineering, retraining courses have been established for women in these subjects. The importance of equal opportunities for both sexes features in teacher train-

ing for both primary and secondary education.

480. Except for 'the exact pass' campaign referred to above, there is no specific policy designed to increase the number of women pursuing technological and exact science studies in the universities. The present figures for women graduates in a number of disciplines are as follows:

medicine	44%
law	44%
exact sciences	25%
technology	10%
agriculture	40%

Source: Central Statistics Office, Education Statistics 1991

(c) **The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;**

481. The statutory basis of the Dutch education system is characterised by freedom of choice and of organisation. The statutory measures relating to the substance of education are in the nature of a general framework. Schools enjoy a large measure of autonomy in designing their curricula, and the government exercises no direct influence on their choice of textbooks, teaching programmes and teaching methods.

482. The National Institute for Curriculum Development conducts research and makes recommendations on curricula for the Ministry of Education and Science. The government exercises a form of indirect influence in that it is responsible, for instance, for drawing up the examination

syllabus. Women's history was for some years a specific part of the leaving examination in history. In the context of the first part of basic education, key targets have been formulated for the standards to be reached in each subject by the end of the third year of secondary school. It was explicitly enjoined upon those who established the targets that they were to ensure equal opportunities for boys and girls. As research has shown, however, that much teaching material still supports stereotyped concepts of the roles of men and women, attention is being devoted to the development of new material for primary and secondary education.

(d) The same opportunities to benefit from scholarships and other study grants;

Scholarships and study grants

Study grants

483. Students between the ages of 18 and 27 who are following full-time courses at institutions providing special education, including special secondary education, secondary education, including senior secondary vocational education, or higher education (higher vocational and university education) are eligible for study grants under the Student Financing Act. Persons in part-time education may also be eligible for study grants. Other conditions are that the duration of the course must be at least one year, it must be funded or recognised by the educational authorities, and it must be provided in the Netherlands.

484. Grants are allocated on the basis of individual budgets. The size of the grant is primarily dependent on whether or not the student lives at home and on the type of education concerned (secondary or higher education). Account is also taken of the parents' income and that of the student and his

partner. No distinction is made on the ground of sex.

485. Grants issued under the Student Financing Act consist of the following components: a basic grant and a supplementary grant. The basic grant does not have to be repaid and is not affected by parental income, though a student's personal income and that of his or her partner will be taken into account. Everyone who is entitled to a basic grant also receives an annual season ticket entitling them to free travel on public transport throughout the Netherlands.

486. Students on basic grants may also qualify for a supplementary grant. This consists of a loan on which interest must be paid and a supplementary sum. The former must be paid back on completion of a course of study, whereas the supplementary sum, like the basic grant, does not have to be repaid.

487. The extent of the supplementary grant is dependent on:
- parental income;
- the student's income and that of his/her partner;
- the type of course;
- the type of health insurance possessed by the student.

488. In some cases students are eligible for an extra allowance which, like the study grant, does not have to be repaid. A student who has no partner, and who draws a family allowance for one or more children under the age of 18 forming part of his/her household, is eligible for a single parent allowance. Students with a financially dependent partner, i.e. a partner caring for one or more children under the age of 12 for whom a family allowance is paid, are eligible for a partner allowance. There are no scholarships or grants specifically for women.

489. Qualifying national rounds are held every year or eighteen months for international secondary school

competitions in applied and pure mathematics, physics, chemistry, biology and information technology. With regard to mathematics the Ministry of Education and Science awards a prize to the best girl.

(e) **The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women:**

490. Men and women have equal opportunities and equal rights of access to adult education programmes and to certificates and other qualifications. There are no practical obstacles to the participation of women.

491. Many courses are designed partly for the purpose of retraining women who wish to return to work. Publicity campaigns and various other special measures promote government-financed retraining courses for women teachers. The percentage of women participants in the various forms of adult education in the 1989/1990 school year was as follows:

a. primary education:	65%, including 28% from ethnic minorities
b. part-time formal secondary education:	70%
c. part-time secondary vocational education:	
total:	49%
of which: service sectors and health care	69%
commercial	56%
technology	6%
agriculture	21%
d. theoretical apprenticeship	

training	29%
e. part-time education for young adults	55%
f. part-time education in institutions	52% (the sex of 5,700 participants is unknown)
g. correspondence courses	38% (the sex of 13,500 participants is unknown)
h. Open University	25%

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely:

492. There are no legal provisions designed specifically to keep girls at school. The Compulsory Education Act applies to both sexes. Separate projects have been set up for girls in ethnic minorities who for religious and cultural reasons must be segregated from boys. Some schools have established 'entry' classes in which such girls are taught separately for one year, after which, however, they are expected to transfer to ordinary co-educational classes.

493. Though there are no special programmes for women and girls who have left school prematurely, separate courses are offered to women wishing to return to work after caring for small children, such as an information technology course and refresher courses for primary school teachers. Some require specific educational qualifications.

In 1989, the most recent year for which figures are available, the female drop-out rate was as follows:

Junior secondary vocational education	8.5%
Junior general secondary education	7.7%
Senior general secondary education	13.7%
Pre-university education	13.2%

Senior secondary vocational education (1987) 34.5%

No figures are available for the female drop-out rate in higher education.

(g) **The same opportunities to participate actively in sports and physical education:**

494. Boys and girls have the same opportunities in this respect. This is fully integrated into all aspects of social life.

(h) **Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.**

495. Two organisations, the Rutgers Institute and the Protestant Sex Education and Information Centre, provide information and advice on birth control. The Rutgers Institute also assists general practitioners with birth control advice for their patients. The abortion rate in the Netherlands is the lowest in the world, and perinatal mortality is amongst the lowest.
A sexology outpatients department opened at the Leiden teaching hospital in March 1992 follows a multi-disciplinary approach to sexuality problems. Health care education and information are equally accessible to both sexes.

ARTICLE 11 EMPLOYMENT

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) the right to work as an inalienable right of all human beings;

General

496. One of the aims of employment policy is to promote participation in employment. This aim applies to the entire population and does not make any distinction according to sex. To promote the participation of women in employment, the government ensures equal competition, equal wages and equal treatment as an extension of this principle and the "desegregation" of the labour market. The public employment services are one of the most direct ways of implementing of labour market policy. The intention is to promote a proper balance between supply and demand on the labour market so that as many people as possible can find suitable employment and vacancies can be filled effectively.

497. Public employment services are the responsibility of the social partners (employers' and employees' organizations) and the government, which together form the central adminstration. There are also 28 regional boards which are responsible for employment exchanges which help people to find work. The employment exchanges have been asked to devote additional attention to specific groups of people who are registered as unemployed. Output targets have been formulated for these groups - which consist at the moment of minorities, the long-term unemployed and women. In the future, the partly disabled will probably be included in the target groups. In the new situation, women should receive help in proportion to their

numbers in the target group.

498. The public employment service also uses specific instruments to promote the participation of women in employment. Women's job shops help women who wish to start or return to work by providing advice on career choices and/or additional training so they can gain access to the labour market. There are special training schools for women which help them to participate in training in general and encourage them to take up technical occupations in particular. The schools work with methods, timetables, teachers and other facilities such as creches which are specifically designed to help participants. Women can also receive normal training grants to cover the cost of creches. This helps to encourage women to take part in training.

499. The Labour Market Report (published annually by the Ministry of Social Affairs and Employment) describes key developments on the labour market divided up according to sex. The results of the employment service which are presented every year also contain figures on women in employment.

The percentages of women in the labour force in 1990 were as follows: 48.6% in the 15-24 age group, 38.8% in the 25-44 age group and 32.0% in the group aged 45 and above (average 39.2%).

"Segregation" of the labour market

500. In the Netherlands, women are highly concentrated in a number of occupations. If occupations are divided into 78 categories, in the past 15 years, approximately 70% of working women were to be found in only 8 categories i.e. medical and nursing staff, teaching, secretaries/typists, bookkeepers/cashiers, clerical staff, shop assistants/sales staff, domestic and caring personnel and housekeepers/cleaners.

Work which women do at home can be divided into the following categories:

- paid work at home (not covered by an employment contract, usually on the basis of piece work);
- paid domestic work (not in their own homes);
- unpaid domestic work (in their own homes).

501. In so far as women pay income tax and social security contributions on the income in the first two categories as required by law, such work is included in GDP and the work volume of the year in question. If the work is in the "grey" area (in general, social security contributions do not need to be paid if people work for less than 10 hours a week, which makes fiscal checks more difficult) an estimate is made for inclusion in GDP and the work volume.

502. Unpaid domestic work in the home is not included in GDP or the work volume.

Unpaid work in the agricultural sector

503. If unpaid agricultural work is interpreted as agricultural work for which people do not earn a wage, it includes the family members of self-employed persons. The contribution of women or wives to added value and therefore GNP can not be calculated separately. By definition, added value is equivalent to production less consumption. The Central Bureau of Statistics only registers the added value of the production unit as a whole, which includes unpaid agricultural work by women.

ARTICLE 11, paragraph one, sub-section (b)

(b) the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

Women in non traditional occupations

504. The Ministry of Social Affairs and Employment is running a project with employers' and employees organizations in the construction industry and the road building industry called "Women in construction". The project is divided into three stages. The first stage consists of research into the physical and socio-cultural bottlenecks which occur if women take up a male occupation in the construction industry. It also outlines the solutions which can be used to deal with these problems. The second stage is the demonstration stage. Ten companies which have more than one woman working in a man's job qualify for this stage. The specific problems which occur in these companies will be outlined by a project manager. Partly on the basis of the research results, he/she will draw up a plan of possible solutions. Part of the solutions are eligible for a 50% grant from the government.

505. In the third and last stage - the information stage - the results of the 10 projects are processed in a handbook and various information campaigns will be organised to encourage employers in the industry to adopt appropriate measures.

506. Research is also being carried out for the Labour Directorate General of the Ministry of Social Affairs and Employment into obstacles and opportunities for women in the metal industry.

Sexual intimidation at work

507. See the separate paragraph after 11, paragraph one, sub-section (f).

ARTICLE 11, paragraph one, sub-section (c)

(c) the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced national training and recurrent training:

508. Legislation on equal employment opportunities for men and women which applies to the private and public sectors states, among other things, that no direct or indirect distinction between men and women shall be made in relation to the employee's right to receive training or to be promoted.

509. Research is carried out periodically into aspects of the position of women in employment organizations. For example research is currently being carried out into equal opportunities for men and women in relation to vocational training courses. Previous research has shown that the equal participation by women in vocational training can be obstructed by various factors. Training opportunities are more often associated with positions which are usually occupied by men than the types of jobs in which women are over-represented. Women have greater difficulty than men in meeting conditions which may apply to taking part in training, such as experience or a full-time job.

510. The return which employers expect also play a role here. It is often simply assumed - on the grounds that it is normally a woman's job to look after children in addition to working - that women are not permanent members of the workforce and/or have no interest in taking part in vocational training. The promotion of women to higher positions can be adversely affected by such assumptions. Another problem as far as promotion is concerned is that women may have the required level of education but not the specific type of training or

job experience required for a higher position. The government is using various resources to stimulate organizations to adopt measures which can bring about changes in this situation.

Grants are being made to organizations which set up positive action programmes and carry out research to determine the main bottlenecks for women and identify promising opportunities. Attention will also focus on providing information and the social partners will be encouraged to make agreements about conditions of employment which will enable a better combination of paid work and caring duties.

Conditions of employment

511. The Equal Opportunities Act prohibits any distinction between men and women in relation to conditions of employment. There are no indications that a direct distinction is made between men and women in allowing employees to take paid leave or holiday or other kinds of work-related benefits. This does not exclude the possibility - in view of existing differences in the work patterns of men and women - that an indirect distinction can be made on the grounds of sex in certain cases, for example if different conditions of employment are used for part-time or casual workers. Various methods are being used to draw the attention of the social partners to the fact that the law requires objective justification for making a distinction in such circumstances.

Education

512. A relatively large number of women work in education. For example, in 1990, 52,686 women were employed in primary education compared with 24,830 men. On the other hand the number of women in management positions is very small. The government has adopted the following measures to encourage the participation of women in the labour process in general and management positions in particular.

513. Article 28 of the Primary Education Act obliges the competent authorities to give primary schools pupils an opportunity to stay at school during lunch breaks. At special and secondary schools, staying at school during the lunch hour is part of the normal programme so that similar provisions in the Special Education (Interim) Act are unnecessary.

514. The right to paid maternity leave is laid down in section T-E8 of the decree governing legal status in the education sector (RPBO). Maternity leave is for a total of 16 weeks. More opportunities have been created to employ replacements during maternity leave. The Parental Leave Act (Bulletin of Acts, Orders and Decrees 1990, 562) provides for a right to leave without pay for a successive period of 6 months for that part of the working week which exceeds twenty hours. The right to such leave comes to an end when the child is of primary school age.

515. From 1 August 1991, employees will have a right to a shorter working week, irrespective among other things of the number of hours they work (Bulletin of Acts, Orders and Decree 1991, 399)

516. Under an agreement between the Ministry of Education and Science and the government and the unions to improve the position of people working in education, an amount of seven million guilders has been set aside for nurseries and creches.

517. Courses are being organised to increase the number of women in management positions: "Women and Management" is designed to increase women's management skills so they can move more easily into management positions; and "Solliciteren en profileren voor vrouwen" (Applying for a job and making a good impression) is intended to strengthen the representation of women in school management positions by increasing their application and interview skills.

518. In addition, two candidate banks are being financed which will help school boards to recruit and select women candidates for management positions in primary, secondary and higher vocational education. Grants are being provided for courses of selectors to help with recruitment and selection. Plans are also being subsidised for positive action in secondary and higher vocational education.

519. Finally, courses are being financed for women who wish to go back to work after having looked after children for a number of years.

520. The bill to amend the system which applies to the establishment and closure of primary schools will lead to a large number of mergers; small schools in particular and head teachers jobs will disappear. To ensure that this does not adversely affect the limited number of women in administration positions in schools, the Minister of Education and Science has promised that the legal provisions will be amended in such a way that the competent bodies will be able to choose a head teacher from the list of names of head teachers of the schools involved in the merger.

ARTICLE 11, paragraph one, sub-section (d)

(d) the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

521. Equal pay legislation has been in force in the Netherlands since 1975. Under this legislation, employees are entitled to remuneration which is equal to the remuneration that an employee of the other sex would receive for work of the same value or in the absence of such work, for work of virtually the same value. Various studies have shown that there are still differences in the average pay received by men

and women, which can only be partly explained by the unequal distribution of men and women among different types of jobs and levels of jobs or from average differences in length of service, education, experience etc.

522. Anyone who thinks they are not receiving equal pay can request the independent Equal Employment Opportunities Commision to decide whether the law is being broken or take the matter to court. The findings of the Commission are not binding. An important role of the Commission is to ensure that the parties do not take the matter to court, wherever possible.

523. On 1 July 1989, several changes in the law on the equal opportunities for men and women came into force which are designed to increase the effectiveness of the legislation. Since then, in addition to individual complaints, the Commission can also consider requests from employees' organizations and interest groups or give advice to employers and employees organizations who wish to know whether a proposed scheme or practice complies with the law. The Commission can also take the initiative to carry out research, for example if its attention is repeatedly drawn to matters from a particular sector. Another important change means that interest groups can also institute court proceedings.

524. The amendments to the law have produced a marked increase in requests to the commission for a decision. The increases relate among other things to questions of equal pay. For some time the Commission has been asking parties to report on the measures they are considering taking in the light of its decision. So far a reasonable number of answers have been received, the majority of them positive ones.

525. The government plans to amend the Working Conditions Act to give home-workers the same protection as other employees. At present, the Working Conditions Act already applies to work

at home which is carried out under an employment contract or under authority. The Working Conditions Act is to be amended in such a way that all forms of work at home, irrespective of the legal relationship between the home-worker and the employer, come under the scope of the act. A number of minimum standards are being formulated for home-workers in an order in council. They will include for example provisions prohibiting people from working with certain chemical substances, an obligation for employers to keep a register of work contracted out to people working at home and an obligation on the part of the employer to provide home workers with proper information about the risks of the work and measures to prevent them.

526. Bringing all forms of home work under the scope of the Working Conditions Act will not be enough to improve working conditions in practice. The government will therefore pursue supplementary policy to provide employers and home-workers with information and to support home-workers. The social partners will be asked to help with implementation of this policy.

ARTICLE 11, paragraph one, sub-section (e)

(e) the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

Social security

527. In the mid-eighties, a number of changes were introduced into the legal schemes which provide protection against illness, old age, invalidity, accidents at work, occupational illness and unemployment, in compliance with EC directive of 19 December 1978 concerning the equal treatment of men and women as regards social security. The directive did not relate to legal regulations concerning provisions for next of kin (in

particular the General Widows and Orphans Act). In a judgment dated 7 December 1988, the Central Appeals Court, the highest court for the public service and social security matters, ruled that benefits to widowers are paid out under the General Widows and Orphans Act only under special circumstances could no longer be reconciled with the provisions of article 26 (the general principle of equality) of the International Convention on Civil and Political Rights. Since that time, widowers' pension have been paid out in the same circumstances as widows pensions. In June 1992, the Second Chamber of parliament accepted a bill for a completely revised General Dependants Act.

Private social insurance schemes

528. On 24 July 1986, the fourth EC directive was issued on the equal treatment of men and women in private social insurance schemes. The directive is intended to guarantee the complete equality of men and women by 1 January 1993 in corporate and sectoral social security schemes.

529. Bills are currently before the Dutch parliament to implement this directive. The process is being made difficult because of the uncertainty within the European Communities about the scope of the directive as a result of the judgment by the European Court of Justice dated 17 May 1990 in the Barber case. On the basis of this judgement, female and male employees must at any rate be treated equally in relation to collective pensions schemes from the date of the judgment. The uncertainty relates mainly to the possible retrospective force of the judgment and the degree to which the fourth EC directive can be prescriptive for future national legislation. The directive will at any rate retain its significance for self-employed persons.

530. The Netherlands has approximately 1200 pension funds and 20,000 schemes operated by insurance companies, so the Dutch government does not have a good impression of the extent to

which individual schemes already comply with the principle of equal treatment for men and women. As far as is known, employees' contributions for men and women are the same in all schemes.

531. Parliament is currently considering two bills which seek to redress the present statutory inequality of men and women in respect of entitlement to pensions (see above section on social security and the General Dependents Act). At present the law on pensions does not extend to the widowers of civil servants and holders of political office the pension rights enjoyed by widows. In anticipation of these bills being passed, the implementary bodies are in fact already awarding pensions to widowers on the same basis as to widows.

ARTICLE 11, paragraph one, sub-section (f)

(f) the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

532.The measures connected with health and safety fall under the following acts and decrees:

* the Working Conditions Act;
* the Factories Act;
* the Stevedores Act ;
* the Nuclear Power Act.

The acts do not make a distinction between men and women, except for the Nuclear Power Act which includes additional provisions to protect pregnant women and women of child-bearing age.

533. The measures to protect the function of reproduction include dealing with the harmful influences of physically demanding work, physical factors (vibrations, climate, noise), toxic substances, stress and stressful working hours.

534. Risky occupations for women are not mentioned in the legislation as such. Specific research has been conducted into working conditions and occupations which may create harmful effects for the function of reproduction and/or the offspring of female employees. Research among beauticians, hairdressers, female staff working in hospital dispensaries, central sterilisation departments, hospital laboratories and cleaners in hospitals has shown that the work does not have any harmful effects on their reproductive capacity or offspring. One of the studies showed that women who work in operating theatres, may have reproductive problems because of the combined effect of various stressful factors.

Information

535. In principle, information about risks at work is intended for both men and women. Brochures are issued for pregnant women and women who are breast-feeding. Special leaflets are issued for home workers and special information material concentrates specifically on women (examples include working as home helps, working with VDUs, working in offices).

ARTICLE 11, paragraph one, sub-sections (b) and (f)

Sexual intimidation at work

536. As part of the right of men and women to the same job opportunities and the right of women to safe working conditions, the Dutch government has for several years been devoting attention to eliminating sexual intimidation at work.

1) In the period from 1985 to 1991, a support centre known as "Handen Thuis" (Hands to Yourself) was subsidised by the government. The centre deals with sexual intimidation at work by:
   - drawing attention to the problem of sexual harassment;

- providing help for women who are suffer from such treatment, providing them with information and advising them about the possible steps they can take;
- encouraging employers to provide help and facilities;
- promoting structural changes in the field of sexual intimidation.

During its existence, the support centre produced several brochures, organised seminars and training courses and dealt with requests for advice from victims and employers.

2) In recent years, the government (the Ministry of Social Affairs and Employment and the Ministry of Home Affairs) have commissioned studies dealing with sexual intimidation, among other subjects. The first study undertaken by Judith Vega is entitled "Policy abroad to deal with sexual violence against women; rape,assault, abuse of women, sexual harassment" (Ministry of Social Affairs and Employment, August 1985). The research shows that sexual intimidation is a subject of social and political concern in the United States, Canada and the United Kingdom in particular, where experience on how to deal with sexual intimidation at work has been acquired since 1975. The countries in question use various types of legislation to deal with this problem. General legislation against sexual discrimination is an important instrument. They also use sections of labour legislation and criminal and civil law. The report also says that specific legislation is being developed on this issue to overcome the problems created by relying on existing legislation. Moreover, separate regulations will concentrate on the specific problem of sexual intimidation.

A second study undertaken by the Women and Employment Project Group of the University of Gronigen, entitled

"Sexual harassment at work; research into undesirable contact between the sexes in working situations" (Ministry of Social Affairs and Employment, Ministry of Home Affairs, July 1986), deals with the situation in the Netherlands. This study has two aims - to draw attention to the problem of sexual intimidation in work situations and to examine the ways in which women can resist this sort of behaviour.

Three case studies were carried out as part of this research, in an industrial company, a large municipality and a small retail firm. The results of the three studies show marked similarities as regards the type, nature and experience of sexual intimidation and the way in which women react to it.

More than half the women interviewed had experienced sexual intimidation. More than a quarter of these women said that this behaviour had consequences for their work situation, sometimes for their actual job (for example they had been transferred or had resigned). In most cases, the working atmosphere deteriorated. As a rule, sexual intimidation involved repeated occurrences rather than incidents as such. In some work situations, sexual intimidation is part of the day-to-day relationship between men and women. Both men and women say that say the best response to sexual intimidation is direct and clear rejection of the individual concerned, but open rejection rarely occurs in practice. The majority of women do not react or do so indirectly. Hardly any of them complain to someone in a position of authority. Three aspects play a role here. First the women are afraid that a complaint will have serious repercussions for themselves and the atmosphere at work. Second, they make allowance for the consequences for the perpetrator and his feelings. Finally, many of them are too confused to respond effectively at the time.

Despite the fact that a large proportion number of women in the three companies had experienced sexual intimidation, there were major differences between the percentages for various work situations in the companies. The differences are connected with the numbers of men and women at different job levels and the overall ratio of the sexes. The best work situation - in the sense of relatively little sexual intimidation - is where a large number of women occupy jobs at all levels, combined with equal numbers of men and women or more women, a relatively clear view of the practical nature of contact between the sexes and contacts between men and women based on equality.

One of the conclusions of the research is that specific measures against sexual harassment should form part of general emancipation policy. It is easier for women to make complaints in a climate of work which caters for women as well as men, than in a culture dominated by men.

3) In recent years, two seminars have been held for staff of the Labour Inspectorate. The service is sometimes called in to deal with complaints about sexual intimidation although, at present, the Working Conditions Act does not form a legal basis for intervention by the Labour Inspectorate. In the period from March 1986 to March 1989, the Labour Inspectorate was approached on 35 occasions in connection with complaints about sexual intimidation. The Labour Inspectorate usually responds by referring the complaint to expert organizations. The Inspectorate also mediated in several cases and looked for solutions in consultation with the employers and female employee.

4) In February 1986, the Ministry of Social Affairs and

Employment issued a brochure entitled "Hoezo ...ongewenst intiem" ("What do you mean ... sexual harassment?").

5) During the Dutch Presidency of the European Communities (second half of 1991) a seminar on sexual harassment was held on 7, 8 and 9 November. The aim of the seminar was to:

- inform everyone involved in the EC member states of the resolution of the Council of the European Communities on the protection of the dignity of men and women at work (29 May 1990) and the recommendation and the code of practice drawn up by the Commission of the European Communities
- to stimulate implementation of the resolution, the recommendations and the code of practice;
- to compile a list of ideas by the various parties on effective evaluation and the need for further activities within the European framework.

The people who attended the seminar came from all the EC member states and included representatives of governments, employers', employees' and women's organizations and of advisory bodies on emancipation and equal opportunities for men and women.

6) In 1990, the Social and Economic Council (SER) and the Emancipation Council (ER) were asked to advise the government whether the current resources to deal with sexual intimidation offer sufficient protection to the victims of sexual intimidation at work. The government policy document accompanying the request for advice described what has been achieved in the last few years in various sectors of society, available case law and the legal measures to deal with sexual intimidation at work.

As a result of the recommendations, the council of ministers decided in May 1992 to produce a bill to include provisions dealing with sexual intimidation at work in the Working Conditions Act.

537. Since 1987 the government has pursued a policy aimed at combatting sexual harrassment at work. To this end measures have been taken at almost all ministries, entailing the provision of information, the establishment of complaints procedures and the appointment of officials to whom incidents can be reported. Following the proposed incorporation of provisions relating to sexual harrassment at work in the Working Conditions Act, policy will be reviewed and perhaps stepped up.

ARTICLE 11, paragraph two, sub-section (a)

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) to prohibit, subject to the imposition of sanction, dismissal on the grounds of pregnancy or maternity leave and discrimination in dismissals on the basis of marital status;

538. Articles 1639e, third and fourth paragraphs and 1639h, second and fourth paragraphs and 1637ij of the Netherlands Civil Code prohibit the dismissal of women for reasons of pregnancy, maternity leave or marital status.

539. A bill to amend the law on dismissal which was approved by the Second Chamber of parliament in 1992 includes a provision that the courts will only agree to a request to dissolve an employment contract if they are satisfied there

are good reasons for doing so or the request is connected with the existence of a prohibition on ending an employer-employee relationship or a prohibition on terminating the contract as referred to in articles 1637ij, 1637ij a, 1639h and 1639i of the Civil Code.

ARTICLE 11, paragraph two, sub-section (b)

(b) to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

540. Female employees are insured under the Sickness Benefits Act which is implemented by the industrial insurance boards. Pregnant women are entitled to at least 16 weeks sickness benefit a rate equivalent to their full salary. Sickness benefit in connection with the birth of a child is paid out by the industrial insurance board from six to four weeks before the estimated date of delivery. Women who wish to maximise the period of maternity leave/pay after the birth of their child may carry on working until up to four weeks before the estimated date of delivery. Women whose children are born before the estimated date of delivery still receive the 16 weeks pay to which they are entitled. Those whose children arrive late receive extra maternity pay. These periods are normally referred to as maternity leave.

541. It should be added that under article 1639h of the Netherlands Civil Code, employers can not terminate the employment of a female employee who is capable of doing her job, during her pregnancy and because she has given birth to a child.

542. A new second sub-section of section 69 of the Sickness Benefits Act states that female entrepreneurs, joint entrepreneurs and women who work for their husband's company and are voluntarily insured, have the same right to sickness

benefit as compulsorily insured persons and are no longer excluded from sickness benefit arrangements in connection with giving birth to a child.

ARTICLE 11, paragraph two, sub-section (c)

(c) to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

1. Breast-feeding

543. The law (section 11, sub-section two of the Factories Act) states that employers shall ensure that women who wish to breast feed their children and who have informed their employer of the fact are given reasonable time and space in which to do so. Similar provisions covering female government employees have been included in the General Public Servants Regulations (section 76).

544. Research was commissioned by the Ministry of Social Affairs and Employment in 1986 into the way in which working young mothers combined breast-feeding newly born children with working ("Pregnancy and motherhood in combination with working", Ministry of Social Affairs and Employment, September 1986). The research showed that 45% of working mothers continued to breast-feed their children. Only 13% of the working mothers who were breast-feeding actually fed their child at work. The others expressed the milk at work (24%), left work briefly to feed the child ()16%) or fed the child outside working hours (47%). The research also showed that women are almost completely unaware of their rights in relation to breast-feeding at work. The report was submitted to the Second Chamber of parliament in October 1986.

545. The Ministry of Social Affairs and Employment has therefore produced information for employers and women employees. A brochure entitled "If you have a job and become pregnant" contains information about breast-feeding and draws attention to the risks of working for pregnant women, benefits and other rights. The brochure entitled "Working women and breast-feeding", which has been issued for employers, contains information about their legal obligations and facilities they could provide. Demand for the two brochures, which were published in mid-1988, is very high.

546. "Pregnancy and Work", a publication by the Labour Inspectorate, (early 1991) also contains a chapter about breast-feeding at work.

547. In view of the fact that the current provisions of the Factories Act (1919) no longer entirely comply with present-day reality, the government proposed including a more up-to-date section in the amended version of the Working Hours Act in its request for advice on that Act. The proposal states that it is the duty of employers to make proper arrangements for breast-feeding in consultation with the female employee. If the parties can not agree, the employer will be obliged to give the employee the opportunity to spend a quarter of her working time breast-feeding. It also proposes to lay down by law that employers must give women who wish to express milk a reasonable opportunity to do so i.e. the time and somewhere to do it.

548. On 10 March 1989, the government requested advice from various advisory bodies. It is still waiting for the report from the SER.

549. At the present time (1992) a study among women who have recently had children (in connection with experience of the new maternity leave scheme) is asking them questions about their experience of breast-feeding at work. Publication of the

research is expected in April 1992.

2. Parental leave

550. Since 1 January 1991, parents have been entitled to a legal minimum of unpaid parental leave (Parental Leave Act, Bulletin of Acts, Orders and Decrees 1990, 562). Without breaking their ties with work, both parents or guardians can work fewer hours a week for a maximum of six months, either at the same time or in succession to one another. People who have worked for the same employer for more than a year may take unpaid leave to look after a child up to the age of 4 for a maximum of 6 months, provided they work at least 20 hours a week.

551. The regulations allow collective labour agreements to contain different schemes i.e. ones which are more favourable to employees.

3. Flexible working hours

552. Information about working hours devotes attention to creating flexible working hours for workers with caring responsibilities. The preparations for the amended Working Hours Act are examining how far it is possible to take into account the fact that more and more employees carry out caring activities in addition to earning a living.

4. Child-care facilities

4.1 Basic principles

553. In 1989, the council of minsters published a policy document on child-care facilities (Government Standpoint on Child-care facilities) and decided to adopt measures to stimulate it. The aim is to increase the capacity of child-care facilities in the Netherlands by approximately 50,000

places, especially professional facilities for the children of parents who are working or studying. There are a number of reasons for this decision:

- demographic developments
  The percentage of young people in the Dutch population is declining as the number of old people is increasing. Fewer young people and more old people will create problems as far as the labour market is concerned. It is therefore necessary to create conditions so that women can work more than they have done in the past. The availability of day nursery/creche facilities is the key for women with young children who wish to continue working.

- burden of social charges
  Single parents with young children (normally mothers) usually rely on income support under the National Assistance Act to support their families. Day nurseries/creche facilities mean they can work outside the home. This is in the public interest (reducing the collective burden) and in their own interests (economic independence, more opportunities to develop as individuals).

- emancipation policy
  The Dutch government is trying to offer women and men equal opportunities. One elements of this is that women born in 1972 or later are expected to provide for themselves. This kind of emancipation policy assumes that sufficient child-care facilities will be available.

- youth policy
  The majority of families in the Netherlands are small. Dutch women have an average of 1.5 children (1988). Many young children therefore grow up with few other children

around them. Particularly in urban areas (types of housing, lack of open space, traffic) it is much less easy for children to play safely than it used to be. Child-care facilities provide children with space in which they can play and develop with children of their own age.

4.2 Policy on child-care facilities

554. In the past, the government has given grants to various types of child-care facilities, but this has not relieved the shortage of places. It has therefore decided to adopt specifically targeted, supplementary measure. The aim of the incentive scheme which came into force on 1 January 1990 is to create substantially more places in child-care facilities. Over a four-year period, the government will make funds available starting with 145 million guilders in 1990 to 260 million in 1993. The scheme will create 49,000 new places for between 70,000 and 100,000 children (depending on the type of child-care facilities the municipalities create). Research in 1987 showed that additional facilities were needed at that time for 160,000 children. It can be assumed that the need for child-care facilities has increased since 1987.

555. The policy to provide more child-care facilities is based on the Welfare Act which serves as the framework for all existing forms of subsidised child-care facilities. The Welfare Act makes local authorities, i.e. the municipalities, responsible for implementing policy. The government therefore divides its budget to stimulate child-care facilities equally among the municipalities in proportion to their size (or the number of dwellings per municipality). In 1990, 97% of Dutch municipalities were taking part in the scheme to provide more child-care facilities.

556. The government only makes overall requirements since the municipalities have direct responsibility for providing child-

care facilities. Each municipality must draw up a municipal bye-law specifying the minimum standards which child-care organizations must meet in relation to such aspects as hygiene and safety, the size of groups, the size and lay-out of the accommodation and the professional qualifications of staff. Some municipalities have determined that a municipal permit is required before anyone can run a day nursery/creche. Permits are not required in other municipalities.

557. The municipalities receive a government grant for a period of 4 years for an agreed number of new places. The grant can be used for investment purposes or to cover the running costs of the new places. Approximately one third of the new places must be available in mid 1992 so they can be made available to employers who wish to organise child-care facilities for their employees children in this way.

4.3 Types of facilities.

558. The following types of facilities and organizations occupy an important place in the government's policy to encourage child-care facilities:

- day nurseries which are open on all working days for 9 or more hours. They accept children between the ages of 6 weeks and 4 on several or all working days. There are two leaders for groups which usually have 8 to 12 children (depending on the ages of the children).
- part-time day nurseries, which are the same as day nurseries except they are open for a minimum of 5 and less than 9 consecutive hours.
- before and after school centres which cater for children aged 4 to 12 at times when schools are closed, mainly after school. Groups are usually larger, consisting of 18 or more children with two leaders. Centres are often associated with a community centre, a primary school or a day nursery.

- guest families. Private individuals look after a number of children in their own homes. They may be small children up to the age of 4 or children of primary school age. Guest family agencies deal with supply and demand and provide guidance. They employ one or more professional staff. Guest families receive an hourly fee for each child from the parents. A number of guest family schemes are organised under the auspices of day nurseries.
- 24 hour child-care facilities, provide a service outside office hours, in the evening, at night and at weekends. These types of facilities are used by companies and organizations whose employees work shifts. There is little experience so far with this type of scheme, which can be provided at a centre or by a guest family. The idea is that children should spend only a limited number of successive hours in a 24 hour facility.

559. Child-care facilities which are not available every day for a minimum of 5 successive hours fall outside the policy. They mainly consist of playgroups where children aged 2 and 3 can spend one or more mornings or afternoons a week in groups usually consisting of 12 children. Some playgroups employ professional staff, others work exclusively with volunteers or parents.

560. At the end of 1990, there were 1,200 child-care facilities in the Netherlands. Approximately one third of them were working without a government grant as a company creche or a commercial organization. There were 29,000 places used by more than 56,000 children. At the end of 1988, there were also almost 3,600 playgroups used by approximately 150,000 children. Playgroups have become a fixture in large numbers of Dutch municipalities. This did not apply to other types of child-care facilities when the government launched its scheme at the end of 1989. At that time, some form of official child-care facility (excluding playgroups) was available in less

than one third of Dutch municipalities. The new policy means that child-care facilities will be available throughout the country in several years' time.

4.4 Other themes of policy on child-care facilities

- Number of places

  There were number of 28,739 places in official child-care facilities at the end of 1990 or 33.1 places per 1,000 children. In view of the fact that more than two children use one place, this means that places are available for roughly 7% of children up the to the age of 4. For children aged 4 to 13, there are 2.42 places per 1,000 children in official facilities i.e. places for roughly 0.5% of children in this age group. Places in subsidised and institutional facilities are available on a limited basis (including during school holidays) in combined children's centres or schools. There are also more and more places in guest families.

- need

  A study in 1990 showed among working women showed that there was a shortage of between 70,000 and 160,000 places for children under the age of 4. There is also a major shortage of facilities to look after primary school children after school. The waiting lists are an indication of the need; a total of 70,000 children are on waiting lists (37,376 child places).

- financial contribution

  As the municipalities are responsible for implementing policy on child-care facilities, there are no national regulations specifying the financial contribution expected of parents. The government publishes a table which is often used as a guide. The level of parental contributions is based on incomes. Guest families and playgroups often charge a fixed hourly rate which is

usually between 2.50 and 4.50 guilders an hour plus a charge for meals with guest parents.

- staff

At the end of 1990, approximately 6,400 people had paid jobs in child-care organizations (excluding play groups). The largest group consisted of people aged between 20 and 35. Most of the staff who look after groups of children or run an organization have an intermediate (MBO) or higher vocational (HBO) qualification. There are still very few men working in child-care centres in the Netherlands. The number of jobs will rise by approximately 14,000 as a result of the increase in the number of places between 1990 and 1993. Almost all of the people who work at child-care facilities are paid employees who have the educational qualifications required by the collective labour agreement i.e. an intermediate vocational qualification for group leaders, a junior vocational qualification for assistant group leaders and a higher vocational qualification for heads of centres.

- company facilities

The version of the child-care facilities scheme which was revised in 1991 contains several provisions for municipalities which are designed to promote renting out places. Municipalities must consult with local employers or their representatives about the need for places. If possible, arrangements should be made to meet the need. In many cases, employers qualify for a discount of at least Dfl. 2,000 a year on the price of renting a place. Company creche facilities do not usually fall under the government grants scheme.

The percentage of employers who provide facilities is unknown. However, we do know that at the end of 1990, a total of 6339 places were rented by companies and

organizations in subsidised and non-subsidised facilities.

ARTICLE 11, paragraph two, sub-section (d)

(d) to provide special protection to women during pregnancy in types of work proved to be harmful to them.

561. The protection of pregnant women is not organised in terms of types of work but by types of pressure and factors such as lifting, pulling, carrying, ionised radiation, climate, noise, vibrations, stress, irregular working and rest hours, chemical substances.

562. Employers are obliged by law if they may be reasonably required to do so, to modify work and/or working and resting hours to the capacity of pregnant women or to take other measures (opportunities to sit down, support for people who work standing up) to reduce the risks of certain types of work. The measures are explained in "Pregnancy and Work" which is published by the Labour Inspectorate.

Research

563. Research is being conducted into the effects of physically demanding work on pregnant employees. Pregnant nurses are being interviewed in longitudinal research. Nurses who are not pregnant and pregnant clerical administrative staff are being interviewed as reference groups. Research will also be carried out into the effects of physically demanding work in the six months after the birth of the child.

564. All the research into working conditions assembles data which makes a distinction between men and women.

ARTICLE 11, paragraph three

3. Protective legislation relating to matters covered in

this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

565. The protective measures in the previous paragraphs have been revised and amended in accordance with the second EC directive dated 9 February 1976. The directive states that research must be carried out to establish whether the provisions of labour legislation that make a distinction between men and women are still justified in view of technical and social developments and that they should be revised if the results of the research suggest they should be.

566. Furthermore, in the operation entitled "Anders geregeld" (Dealt With Differently) employment legislation which made a distinction between on the grounds of sex and which was considered unjustified has been amended.

567. The provisions of the Factories Act (1919) to the effect that a decision can be made by order in council that certain types of work may not be undertaken by women is being amended by the Pregnant Women Working Conditions Decree, which is currently being prepared. The provisions stating that women may work shorter hours then men in certain types of companies have been modified together with a ban on agricultural work at night.

568. The special provisions of the Factories Decree (1920) covering women who work in dispensing chemists, shops, offices and the art and entertainment industry have been amended. In some cases the changes are still in the process of being prepared.

569. The provisions of the Stevedores Act (1914) prohibiting women from working as stevedores will be revoked as soon as a bill which has been approved by the Upper and Second Chambers of parliament is placed on the statute book.

ARTICLE 12. HEALTH CARE

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

570. Health care services are equally accessible to men and women. The present system of health insurance covers childbirth and prenatal and postnatal maternity care as well as abortion and the contraceptive pill. Special projects involving the use of interpreters ensure that all services are also accessible to women in ethnic minorities. In the context of AIDS prevention, special attention is devoted to women through a state-financed organisation, the Women and AIDS Platform, and a report entitled `Women and AIDS' has been published by the National AIDS Prevention Committee.

571. Financial support is provided for projects set up to bring the health and personal social services more into line with the needs of women. Projects of this kind, focused on the accumulation of knowledge and the development of new methods, are run by the "Aletta" Women's Health Care Centre in Utrecht and the "De Maan" Centre in Amsterdam. Other organisations receiving grants are "Metis", a support centre which provides information and documentation on women's help projects, and advises and assists institutions in catering for women's special needs, and an organisation providing courses aimed at promoting expertise in women's help. Financial support is also provided for women's self-help groups.

572. In addition, various social welfare sectors, such as the ambulant mental health services and the personal social services, have initiated projects dealing specifically with women's health.

Sexual violence

573. The Ministry of Welfare, Health and Cultural Affairs seeks to effect improvements in aid to victims of violence, sexual and otherwise. Research has been commissioned on the incidence of sexual abuse of girls by relatives and of violence against women in heterosexual relationships. More effective methods of identifying instances of sexual abuse and violence and of providing adequate care for the victims are being sought. Special attention is devoted in this context to physically and mentally handicapped women and to women in ethnic minorities. Institutions are encouraged to take measures preventing the sexual abuse of their charges by staff members, and women are provided with information on this point.

574. The Ministry finances a number of organisations and projects, including the Medusa National Centre, the Association Against the Sexual Abuse of Children Within the Family, a project focused on women and girls in ethnic minorities, and a project relating to the treatment of sexually-abused children, the offenders and other family members.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

575. Specialised psychosocial assistance is available free of charge to pregnant women and single parents through regional offices in medium-sized municipalities. Medical care during pregnancy, confinement and the post-natal period is part of the health services financed from public funds and is there-

fore free of charge. It covers the care provided by midwives and general practitioners, the obstetrics departments of hospitals and the maternity and child care centres operated by home nursing associations.

ARTICLE 13 ECONOMIC AND SOCIAL LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits

576. The system of family benefits in the Netherlands is laid down in the Family Allowance Act (AKW) which provides allowances to cover the cost of children.

577. Insured persons (residents of the Netherlands or persons subject to Dutch income tax by virtue of work undertaken in the Netherlands under the terms of an employment contract) who look after or maintain a child of their own, a child by marriage, a step child or a foster child qualify for benefit under the Family Allowance Act.

578. The parent who looks after or maintains the child receives the allowance. The following regulations cover situations in which more than one person is entitled to family allowance over the same period for the same child:

- if there is a claim by two parents who form a household with one another (a man and a woman), they decide jointly who shall receive family allowance;
- if there are claims by two parents (a man and a woman) who can not agree, the woman receives the allowance;
- if there are claims by the parent who looks after the child and the parent who maintains the child, the parent who looks after the child receives the allowance;
- in other situations, family allowance is paid to the parent who makes the highest contribution towards maintenance of the child.

ARTICLE 13 (b)

(b) the right to bank loans, mortgages and other forms of financial credit;

579. No discrimination is made as regards lending money to women for business purposes. This has emerged from research into the treatment of small business loans under the guarantee regulations of the Small and Medium-Sized Businesses Credits Scheme and the facilities for people starting businesses in the Self-Employed Assistance Decree. The Minister of Economic Affairs wrote a letter to the Speaker of the Second Chamber of parliament in 12 April 1990 reporting on the research.

580. The relevant passages from the letter the Minster's letter deal with the following aspects.

581. The number of women entrepreneurs who submitted a first application to a bank for a small business credit is 15%. The number of women entrepreneurs in the Netherlands at the time of the research was approximately 17%. Women entrepreneurs have a 52% chance of having their application accepted compared with men entrepreneurs who have a 59% chance.

582. The way banks handle applications for credit does not give any reason to take the "appropriate measures" mentioned in this article of the Convention. Policy is designed to encourage women to become entrepreneurs by providing information and increasing awareness. It also aims to increase the chances of success in independent companies or professions by means of effective guidance by professional organizations such as the Small and Medium-Sized Business Institute before and after people start up in business.

583. The above research will be repeated in due course.

ARTICLE 13 (c) partly in relation to Article 10 (g)

(c) the right to participate in recreational activities, sports and all aspects of cultural life.

General

584. The right to take part in recreational activities, sports and all aspects of cultural life, to which section (c) refers, applies equally to men and women.

Sport

585. Fewer women take part in sport then men but the differences have become less in recent years. In 1984, 77% of men compared with 74% of women did some form of sport. In 1978 the figures were 66% for men and 57% for women.

586. In terms of quality there are also considerable differences. Women do fewer kinds of sport less often and are less performance-oriented than men. Some sports are more obviously women's or men's sports. The differences are even more obvious in relation to voluntary positions on the boards and committees of sports clubs and associations. On the whole, one in five of positions are filled by women. The reasons may lie in the requirements for people who wish to occupy such positions. In view of the fact that there are fewer women in management positions in society as a whole, they have less opportunity to learn the skills which are considered necessary for management positions in sport, especially on boards and committees.

587. Leisure is another important factor in this context. The traditional division of roles between men and women means that women usually have less free time than men, which may affect their opportunities to take an active part in sport and occupy management positions.

588. Policy seeks to break down the pattern which stimulates stereotyped choices, to achieve balanced participation by women in management positions and to increase women's physical and mental resources.

589. Support is provided for specific information and promotional activities, to develop course material and promote expertise, as a way of achieving the objectives. Specific projects at national sports organizations receive support for this purpose. Female emancipation workers appointed by the Netherlands Sports Federation and two national organizations which stimulate sport ("Games and Sport" and BRES, the National Centre for Movement, Recreation and Games) play a key role in bringing about policy changes in the world of sport.

590. The KENAU women's centre in Amsterdam is receiving support for a period of four years as part of the national project to encourage women to defend themselves. Self-defence sports are being encouraged as a way of helping women to feel less vulnerable in society. A course on self-defence for women which the centre has developed has received official recognition and is being organised at several locations.

The degree of social safety in and around sports accommodation facilities partly determines whether women take an active part in sport. National research has been carried out to establish how the infrastructure of sports accommodation can be improved on this point. A brochure containing specific recommendations on this subject has been distributed throughout the country.

Cultural life

591. Research shows that men and women participate to a more or less equal extent in cultural life, for example by going to museums and art galleries, attending the theatre and concerts.

ARTICLE 14. RURAL WOMEN

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

592. Life and work in rural areas have their advantages but also their disadvantages, especially for women so long as stereotyped concepts of their role persist. The opportunities for rural women to work outside the home, follow educational courses, engage in recreational activities or make social contacts are partly dependent on infrastructural factors such as accessibility and social safety, and the existence or scale of facilities.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) to participate in the elaboration and implementation of development planning at all levels;

593. Grants for the construction of new recreation areas are allocated on condition that every precaution is taken to ensure the social safety of women. Women are actively encouraged to participate in the elaboration and implementation of development planning by such means as courses on women and rural development. Furthermore, farmers' wives participate in the conclusion of management agreements

in accordance with the policy set out in a government document on agriculture and nature conservation.

(b) to have access to adequate health care facilities, including information, counselling and services in family planning;
(c) to benefit directly from social security programmes;
(d) to obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
(e) to organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
(f) to participate in all community activities;
(g) to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
(h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

594. Rural and urban women have the same access to adequate health care facilities, including information, counselling and services in family planning. With regard to sub-paragraphs (c), (e), (f) and (h), rural women have the same rights as women in urban areas. Reference is made here to other articles of the Convention.

595. In the matter of (g), women have the same access as men to agricultural credit and loans. Contractors and managers are the pivotal figures in the allocation of grants by the Ministry of Agriculture, Nature Management and Fisheries, which makes no distinction in this respect between men and women.

ARTICLE 15 EQUALITY BEFORE THE LAW

Article 15, paragraph one

1. **States Parties shall accord to women equality with men before the law.**

596. The report on this aspect of the Convention is included in the report on Article 2.

ARTICLE 15, paragraph two

2. **States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.**

597. Article 32, paragraph 1 of Book III of the Civil Code states that every natural person may enter into legal transactions unless the law specifies otherwise (i.e. minors or persons who are the subject of a guardianship order). In civil matters, women therefore enjoy the same rights as men as regards concluding contracts and administering property. This was not the case until 1956 when the Act of 14 June 1956 (Bulletin of Acts, Orders and Decrees 343, 1956) ended the situation in which married women were legally incapable of entering into contracts. The act modified the scope of the Civil Code, the Bankruptcy Act, the Code of Civil Procedure and several other acts.

598. Women and men are also treated equally in court proceedings. The judicial authorities have exclusive powers to deal with all disputes about property or rights arising from it, about debt claims or civil rights and the application of all kinds of penalties laid down by law (Section 2 of the

Judiciary Organization Act). The judiciary is completely independent. The basis of its independence is laid down in Article 117 of the Constitution which states that the members of the judiciary shall be responsible for the administration of justice, and that the Procurator General at the Supreme Court shall be appointed for life by royal decree and that their legal status shall in other respects be regulated by act of parliament. A large number of women work for the judicial authorities and the Public Prosecutions Department. The first woman judge was appointed in 1947; at the end of 1991 there were 304 women judges and 789 men. The Public Prosecutions Department consisted of 200 women and 351 men. However, recruitment policy aims to bring these numbers into balance with one another. People with the required education (i.e. a doctorate in jurisprudence or law or a master of laws degree from a Dutch university with a minimum requirement of certain subjects), who have not yet reached the age of 30 can be admitted to a course which prepares them for a future position with the judicial authorities. The course takes six years and consists of a theoretical part and practical experience of the profession. After a further period of one or two years, such people can be appointed as judges. At the end of 1991, 128 women and 84 men were taking this course. By admitting more women than men to the course, an attempt is being made to create a better balance in the proportions of men and women in the judiciary. Another way in which people can be come eligible for a position within the judiciary is by being selected by the committe for the recruitment of members of the judiciary. Of course such people must have had the necessary education at a Dutch university and must have had 6 to 10 years' relevant experience. Women account for roughly half the people who have joined the judiciary in this way. Slightly less than 1700 of the 9000 barristers-at-law in the Netherlands are women.

599. There are no figures on the number of women who institute legal proceedings. However, it is known that approximately 70%

of divorce petition are brought to court by women. Be that as it may, the possibility of taking group action referred to in article 2, makes a positive contribution towards giving women more access to the courts. The previous comments referred exclusively to group action under the Equal Employment Opportunities Act. On 8 January 1992, the government submitted a bill to the Second Chamber of Parliament amending the Civil Code on this point so that group action will have a general application. An association or non-profit organization will be able to institute legal proceedings to protect the interest of persons whose interests it represents under the terms of its articles of association. In other words, once the bill has become law, organizations which are concerned with eliminating discrimination against women will be able to institute legal proceedings, based on a complaint, on behalf of the women concerned. However, the association or non-profit organization must have done all it can to resolve the dispute by means of consultation before it goes to court. In many cases, the fact that organizations/non-profit organizations have an opportunity to take such matters to court will result in disputes being solved at an earlier stage.

600. The Clara Wichman Institute (CWI) has been concerned with emancipation policy in relation to the law since 1987 and is subsidised by the Ministry of Justice. The CWI endeavours to promote the formation of law in relation to women by:

- initiating, supervising and guaranteeing test cases;
- compiling and distributing information and documentation;
- organising seminars and conferences;
- supervising research and publications
- publishing reports on court cases, literature reviews, information bulletins, research reports and commentaries.

601. "Nemesis" a magazine devoted to the legal position of women has been published since 1984 (recently under the

auspices of the CWI). The magazine has gradually come to occupy an important place in Dutch legal literature and deals with virtually every aspect of the legal position of women.

602. By way of test cases, the CWI is seeking to promote significant legal judgments in cases which are important to large groups of women. A special fund has been created to guarantee these cases in a wide range of legal fields such as the law relating to names, acknowledgement, parental rights for homosexual parents, matrimonial property law, employment contract law, equal access to higher education, compensation for sexual violence, direct and indirect discrimination etc.

603. Women and the Law, a national working group of women which is also part of the CWI, has approximately 260 members and provides legal help. It promotes the expertise of lawyers who specialise in helping women. Members of the working group meet every month to obtain information, exchange experience and to formulate their reactions to legislation, policy and case law based on practical experience.

604. Organizations such as the CWI will certainly have a role to play in the future as regards taking action on behalf of groups and implementing the new Equal Opportunities Act.

ARTICLE 15, paragraph three

3. **States Parties agree that all contracts and all other private instruments with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.**

605. Agreements which restrict the legal capacity of women are null and void. Article 40 of Book 3 of the Netherlands Civil Code states that if the substance or scope of any legal transaction, including therefore agreements, is contrary to good morals, public order or binding legal provisions, they

shall be null and void.

ARTICLE 15, paragraph four

4. **States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.**

606. Men and women have the same rights to move freely and to change their place of residence and domicile. Article 83 of Book 1 of the Civil Code states that married couples shall choose their place of residence in consultation with one another and that if they fail to agree the court shall take a decision at the request of one or both parties. The man's wishes therefore no longer take precedence as they did until 1984.

607. The Housing Act, which contains regulations to promote the effective distribution of housing in the Netherlands, does not make any distinction between men and women and prohibits distinctions to be made in implementing the act.

608. As far as minors are concerned, Article 12 of Book 1 of the Civil Code states that their place of residence shall be that of the person who exercises authority over them. If both parents exercise authority over their minor children, but do not have the same place of residence, the children's place of residence shall be the place of residence of the parent with whom the children actually live or have most recently lived.

ARTICLE 16 PERSONAL AND FAMILY RIGHTS

ARTICLE 16, paragraph one, introduction

1. **States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:**

609. In 1977, the Dutch government started an operation entitled "Anders Geregeld" (Dealt With Differently) to determine the provisions of Dutch legislation which make a distinction between men and women and between married and unmarried persons. A highly active policy has subsequently been pursued to eliminate existing differences, including those in the sphere of personal and family relations. In 1979 and 1985, follow-up policy documents were produced describing the situation; the final policy document on the operation was published in 1991. Elimination of the inequality between men and women within personal and family relations was virtually completed on 1 January 1985 when the act to remove an number of inequalities between men and women in personal and family law and several other acts came into force (Bulletin of Acts, Orders and Decrees 1984, 404). One or two remaining examples of inequality, namely Article 34 of Book I of the Civil Code, the law relating to names and the question of denying paternity are dealt with below. Legislation has been amended in many respects to remove distinctions between married and unmarried persons but the discussion whether complete removal of inequality is justified still continues.

ARTICLE 16, paragraph one, sub-section (a)

a) the same right to enter into marriage;

610. Men and women have the same rights to enter into

marriage. Article 31, paragraph 1 of Book I of the Civil Code says that both men and women must be 18 years of age in order to marry unless the woman is pregnant, in which case both parties may enter into marriage from the age of 16 (second paragraph of the same article). However, Article 34 of Book I of the Civil Code contains the restriction that a widow may not marry until 306 days after the death of her husband if she is pregnant at the time of her husband's death and the couple were living together. The restriction does not apply if the parties were legally separated or had lived apart for the last 306 days of the marriage, nor of course if the woman is not pregnant.

611. Article 34 of Book I of the Civil Code is based on striking a balance between two considerations - avoiding any uncertainty about the marriage into which a child is born and the freedom of the woman to enter into a new marriage. The restriction is based on the fundamental principle that a child born or conceived during a marriage is the legitimate offspring of that marriage (Article 197, Book I of the Civil Code). If the woman were allowed to remarry before the birth of the child it would mean that the child would acquire a father who is not its actual father. By remarrying, the woman would be irrevocably capable of determining the status of her child, without the child being able to do anything about it at later in life. The provisions which apply are therefore the best way - in the view of the Dutch government - of guaranteeing the interests of the child in this situation and are not therefore discriminatory.

ARTICLE 16, paragraph one, sub-section (b)

b) the same right freely to choose a spouse and to enter into marriage only with their free and full consent;

612. The rights referred to here are guaranteed on the same basis for men and women in Book I of the Civil Code. Marriage

is described as an agreement under family law which requires the free consent of both parties. A marriage may not therefore be contracted if one of the parties is so confused that he/she is incapable of deciding his/her will or understanding the significance of the act (Article 32, Book I Civil Code). The free consent of the parties can not be subordinate to a promises of marriage. The parties are free to go back on a promise they have made until such time as they declare to the official conducting the marriage ceremony that they accept one another as husband and wife. Promises of marriage do not confer any legal entitlement to compensation by virtue of failure to fulfil the promise; any conditions which depart from this are null and void (Article 49, paragraph 1 of Book I of the Civil Code). However, breaking the promise after the formal announcement of marriage as laid down by law, does constitute grounds for compensation (Article 49, second paragraph two of Book I of the Civil Code). If the marriage is concluded under an unlawful and serious threat, which means that free consent was not given, either the man or woman may ask the marriage to be declared null and void (Article 71, paragraph one of Book I of the Civil Code). The same conditions apply to a marriage if a spouse was confused about the person of the other spouse or about the significance of the declaration made by him/her at the time the marriage was concluded (Article 71, second paragraph of Book 2 of the Civil Code).

613. The reasons that people should only enter into marriage on the basis of free and full consent also relate to the fact that people must be aware of the consequences of marriage. The parties declare that they will faithfully undertake all the duties which are prescribed by law for the state of marriage. These include the mutual rights and obligations arising from the marriage such as the undertaking by the married partners to be faithful and to provide one another with help and assistance (Article 81 of Book 1 of the Civil Code) and the commitment to live together (Article 83, Book 1 of the Civil

Code). However in recent years, there have been more and more marriages of convenience. These are marriages between a Dutch person (or a person entitled to stay in the Netherlands in their own right) and a foreigner, where there is no intention of meeting the obligations arising from the marriage. The sole intention is to enable the foreigner to acquire the right to stay in the Netherlands. The Aliens Circular 1982, part II chapter B 19, paragraph 2 based on the Aliens Act states that foreigners may apply for a residence permit in their own right three years after marriage. The suspicion exists that in The Hague for example two to three couples a week go through a marriage of convenience. In Amsterdam, it is estimated that 30% of marriages involving foreigners are marriages of convenience and the figure is even higher in Rotterdam.

614. Marriages of convenience are often used to disguise the traffic in women. Foreign women marry a Dutch man (or someone with a Dutch residence permit) and subsequently end up in prostitution. In order to prevent this abuse of the legal institution of marriage, the Dutch government submitted a proposal to parliament in January 1992 which would give the Public Prosecutions Department the authority to declare a marriage null and void because it contravenes Dutch public order if it is a marriage of convenience.

615. If it can be shown for example that the parties have never lived together, the real intentions of one or both of them become apparent. If the Public Prosecutions Department can prove that the only intention of the parties in entering into the marriage was to obtain entry into the Netherlands, the conclusion of the marriage and the marriage itself will be deemed to contravene Dutch public order, since this aim is irreconcilable with marriage as a legal institution. If the proposed legislation is approved by parliament, it will be easier to take steps against marriages of convenience. Officials of the registry of births, marriages and deaths will be able to refuse to officiate at marriages of convenience.

The parties will have the right to appeal against such decisions. Sometimes it becomes apparent during the actual wedding ceremony that the marriage is not a normal one in the sense that the parties do not know one another, speak to one another through an interpreter or intermediary or the Dutch partner has already been married to foreigners on several occasions. There is a further way of taking steps against marriages of convenience; it has been proposed that foreigners will not be allowed to enter into marriage if they can not submit a declaration from the local aliens department that they have a Dutch residence permit, if they have not submitted an application to stay in the Netherlands or if they do not intend to stay in the Netherlands.

ARTICLE 16, paragraph one, sub-section (c)

c) the same rights and responsibilities during marriage and at its dissolution;

616. Since the Act removing the contractual incapacity of married women came into force on 1 January 1957 (Bulletin of Acts, Orders and Decrees 1956, 343), married women are no longer incapable of legal capacity. This act was the first occasion on which the principle of equality between men and women was recognised by Dutch law. Title 6 of Book 1 of the Civil Code sets out the rights and obligations of spouses which apply equally to both parties, irrespective of the type of marriage contract which applies to their marital goods.

617. Men and women also have equal rights in relation to the dissolution of a marriage, both as regards submitting a divorce petition (the figures show that women petition for divorce in 70% of cases) and the consequences of divorce. Article 100 of Book 1 of the Civil code says for example that the parties are entitled to an equal share of the property of the marriage, unless the parties have entered into marriage conditions or a pre-marital agreement to determine what

happens if the marriage ends in divorce (other than by death or termination of the marriage conditions). When granting a divorce or by a judgment at a later date, the courts can award financial support to a former spouse who has insufficient income on which to live or can not reasonably be expected to acquire such an income, in response to a claim or request by that party, at the expense of the other party. (Article 157, Book 1 of the Civil Code). Here too no distinction is made between the sexes. Both men and women may remarry after divorce.

ARTICLE 16, paragraph one, sub-section (d)

(d) the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

618. Parents are obliged vis-à-vis one another (Article 82, Book 1 of the Civil Code) and vis-à-vis their children (Article 245, paragraph two, of Book 1 of the Civil Code) to look after and bring up their minor children. Parents are required to meet the cost of looking after and bringing up their legitimate and illegitimate children in relation to their ability to pay (Article 404, paragraph one, Book 1 of the Civil Code). This obligation derives from the fact of parenthood. It means that a parent who does not have parental authority but acts as a guardian must also comply with this requirement. Parents must be guided by the interest of the child in carrying out their duties to look after and bring up children. If the parents fail to agree about bringing up their children and either or both of them take the matter to court, the court will also base its decision on what it considers to be the best interests of the child (for example Article 246, paragraph two of Book 1 of the Civil Code).

ARTICLE 16, paragraph one, sub-section (e)

(e) the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

619. The Dutch government does not pursue an active population policy. Individuals are therefore free to decide how many children they wish to have within the family or otherwise. Family planning is a matter which the man and the woman decide together. Pregnancy occurs only if the two people concerned feel that it is desirable. Current contraception methods mean that men and women can accept equal responsibility for this matter. The cost of the contraceptive pill is reimbursed by the health insurance fund under which people are compulsorily insured by law and by the majority of private insurance companies. Since 1 January 1992 the cost of the pill can also be partially recovered under the provisions of the Special Medical Expenses Act.

620. In the Netherlands, pregnancies may be terminated after a period of reflection of in principle five days (Termination of Pregnancy Act of 1 May 1981, Bulletin of Acts, Orders and Decrees 257 and the Termination of Pregnancy Decree of 17 May 1984, Bulletin of Acts, Orders and Decrees 218).

621. In order to be able to take measures against <u>sexual violence within marriage</u>, amendments have been made to certain articles of the Criminal Code. Until 1 December 1991 rape fell under Article 242 of the Criminal Code, which had been drawn up in 1881:
"Anyone who through force or the threat of force compels a woman to a carnal act outside marriage shall be guilty of rape, a crime punishable by a prison sentence not exceeding twelve years or a fine of the fifth category."

622. Since 1 December 1991 this has been replaced by a new Article 242, which states:
"Anyone who through force or some other means or the threat of force or of some other means forces an individual to undergo acts which consist of or comprise sexual penetration of the body, shall be guilt of rape, a crime punishable by a prison sentence not exceeding twelve years or a fine of the fifth category."(Bulletin of Acts, Orders and Decrees 519, 1991).

623. At the same time that rape has been made a more general criminal offence, the nature of the sexual act falling within the concept of "rape" has also been extended. Rape is now considered to comprise not only sexual intercourse but also any other form of bodily penetration (oral or anal), since these forms of sexual contact can be as hurtful to a victim as sexual intercourse.

ARTICLE 16, paragraph one (f)

f) **the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;**

624. <u>During marriage</u> both parents exercise parental authority together over their minor children (Article 246, paragraph one of Book 1 of the Civil Code). This relates to children born during the marriage or adopted and children who are legalised by or during the marriage. If the parents fail to agree about the exercise of parental authority, either one or both of them can submit a dispute to the magistrate of a juvenile court. The court will take a decision which it considers to be in the best interest of the child (Article 246, paragraph two, Book 1 of the Civil Code).

625. If <u>the marriage is dissolved by divorce</u>, the court

appoints one of the parents as the legal guardian of each of the minor children. In most cases it will be the mother. The other parent is appointed as second guardian. A bill entitled "Further regulation of the parental authority in respect of minor children and access" is being prepared which will create the possibility of extending parental authority by law after a divorce. This is already possible according to a judgment by the High Court.

626. The bill also proposes that unmarried parents who have never been married to one another may exercise joint authority over their child(ren) if they request to do so and the request is entered by both of them in the register of guardianship. The Supreme Court considers that the joint exercise of parental authority by unmarried parents is already possible by virtue of judgments by the courts.

627. In view of the fact that an illegitimate (natural) child does not always have a father under the law but always has a mother, and that it is important from the birth of the child to establish who has authority over the child, according to current law (and also in the future if the two parents have not submitted a request for joint authority), the mother shall be designated by law as the child's guardian (Article 287, paragraph one, Book 1 of the Civil Code). If the mother was not officially designated as the guardian at the time of the birth of the child, she may acquire such a title later, either ipso jure or through the sub-district court (Article 287, paragraph two of Book 1 of the Civil Code). A man who legally recognises a child can be appointed as the guardian of a natural child. Unlike the mother, this never happens ipso jure but only by a decision of the court (Article 288 Book 1 of the Civil Code.) If the mother is already the guardian, the request of the father to be the child's guardian will only be granted if the sub-district considers it to be in the best interest of the child.

628. The Dutch government takes the view that the law on legitimate and illegitimate children should be amended in the light of changed views in society on marriage and the morality of marriage so that the emphasis comes to be placed on the interest of the child rather than that of the marriage. For example the distinction between legitimate and natural parentage in inheritance law was removed by the act of 27 October 1982 (Bulletin of Acts, Orders and Decrees 608, 1982) and the blood relatives of natural children were made the same as those of a legitimate child. A bill has also been submitted to parliament with the aim of amending the law of parentage. The bill deals among other things with the following aspects:

- abolishing the terms legitimate child, illegitimate child, natural child and associated expressions;
- introducing the possibility of establishing paternity by law with status consequences;
- equal opportunities for both parents to deny paternity which has arisen by marriage.

629. The <u>denial of paternity</u> in the present legislation has been the object of criticism for some considerable time. Under the present system, the mother has only a very limited opportunity to deny the child's paternity resulting from marriage. Under Article 198 of Book 1 of the Civil Code, the denial (of a child born within 306 days of the dissolution of a marriage) must be followed by another man recognising the child and the child must acquire legal status within a year of its birth. This means the mother must marry the person who recognises the child within a year. On the other hand, under Article 199 of Book 1 of the Civil Code, the man can deny paternity at all times both during and after the marriage. He need only institute legal proceedings within six months of learning that the child has been born. In such circumstances there is no requirement for the child to be recognised by another man.

630. In drafting new provisions the government has been

motivated by the following considerations:

- the man and woman must have equal opportunities to deny paternity;
- the procedure to deny paternity must be the same for both parties;
- the denial must take place within a certain period of time;
- to protect the child, denial may take place only under certain circumstances (i.e. if the child is born while the parents are legally separated, while the parents are living apart or during the divorce proceedings).

631. The proposal submitted to parliament includes, among other things, the following provisions:

- one of the spouses or former spouses may request the court to approve the denial of paternity which has occurred by marriage;
- the courts may declare the denial of paternity valid if the man can not be the father of the child or if he has not had intercourse with the mother in the period in which the child was conceived or has lived apart from her;
- the request must be submitted within six months of the birth of the child or the man finding out about the fact.

Adoption of minor children can only be requested by a married couple (Article 227, paragraph one, Book 1 of the Civil Code) or by the surviving parent after the death of the other partner if the spouses had intended to adopt a child during the marriage (Article 227, paragraph two, Book 1 of the Civil Code)

ARTICLE 16, paragraph one, sub-section (g)

(g) the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

632. Wives, like husbands, are completely free to choose a profession or occupation and to practice it in the way they choose. The way in which married couples arrange their affairs is primarily a matter for the parties concerned. In the past the man was usually the breadwinner and the woman undertook duties in the home. Nowadays the husband and wife usually share these duties to an increasing extent. Part-time jobs allow more women to work, although they still feel that they are primarily responsible for looking after their families. The increased number of places in day nurseries/creches create more opportunities for both partners to work. With reference to the right to choose a family name, Article 9 of Book 1 of the Civil Code states that the married woman retains her family name but that she is entitled to use her husband's family name or to add it before her own family name. Men and women have the same right to change their family name (Article 7, paragraph 1 of Book 1 of the Civil Code). As far as children are concerned, the present law states that they take the family name of the father (Article 5, paragraph two of the Civil Code). If there are no legal family ties between the child and the father, the child takes the mother's family name (Article 5, paragraph two of Book 1 of the Civil Code). A bill submitted to parliament in November 1991 proposes that parents should have the freedom to choose the family name they wish to give their children i.e. the family name of the father or the mother. Once the parents have made a choice, the family name is used for all the offspring of the marriage. If the parents disagree about the choice of name, they can ask the court to decide. If the parents do not express a preference, the child automatically takes the father's family name. The reasons for this is that scientific research has shown that only a

minority of the Dutch population would choose the mother's family name. If the parents choose the mother's family name they must announce the fact by a deed specifying the choice of name (if they are married). The choice of family name must in any case be made before the first child is born. If the parents are not married, they can make their choice of name known in the deed of acknowledgement. The bill also contains provisions to allow married men to use their wife's family name or to put it in front of their own family name.

ARTICLE 16, paragraph one, sub-section (h)

(h) the same rights for both spouses in respect of the ownership, acquisition, management, adminstration, enjoyment and disposition of property, whether free of charge or for valuable consideration;

633. As stated earlier, the incapacity of married women to enter into contracts came to an end with the Act of 14 July 1956. Since then the position of married women as regards property law has been the same as that of husbands. Married women have the same rights as their husbands to enter into legal transactions. The married woman retains the ownership of her private assets and the share she has contributed to the communal matrimonial property just as the man retains ownership of the goods which he has contributed to the communal matrimonial property. Neither matrimonial property law nor inheritance law makes any distinction between men and women. Both spouses enjoy the same rights. As indicated earlier, the distinction between legitimate and natural parentage in inheritance law has been removed.

ARTICLE 16, paragraph two

2. The betrothal and the marriage of a child shall have no legal effect and all necessary action, including legislation, shall be taken to specify a minimum age for

marriage and to make registration of marriages in an official registry compulsory.

634. Article 31, paragraph one of Book 1 of the Civil Code stipulates that the minimum age for marriage shall be 18. The Crown may grant special permission for parties who have not reached the age of 18 to enter into marriage provided there are serious grounds for doing so. If the age requirement is not observed, the marriage can be declared null and void. As has already been noted in relation to Article 16, paragraph one, sub-section (b), a betrothal does not have any legal consequences. The law only considers marriage in terms of its civil aspects (Article 30, Book 1 of the Civil Code) which means that it only recognises a civil marriage concluded by an official of the registrar's office. The official draws up the marriage certificate immediately after the ceremony (Article 67, paragraph two of the Civil Code). The certificate serves as proof that the marriage has been concluded. The marriage is registered in the official registry of marriages and divorces of the municipality in which the marriage has taken place. The official of the registrar's office who fails to enter the marriage in the official registry is guilty of an offence under the terms of his office (Article 466, Criminal Code).

STATISTICAL ANNEX

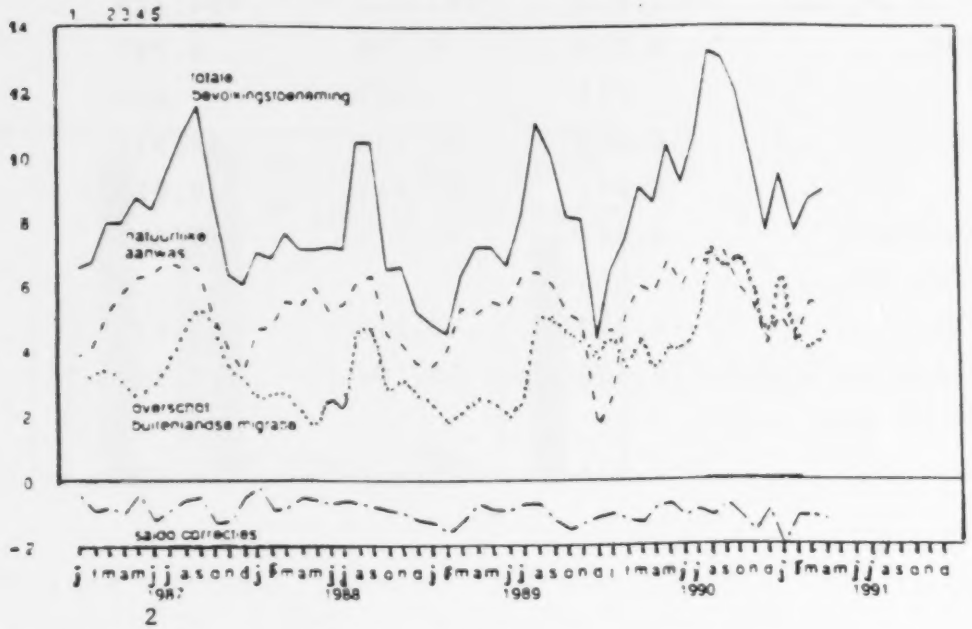
Population trends (x 1000)

Total population growth

Natural increase

Immigration surplus

Balance adjustments

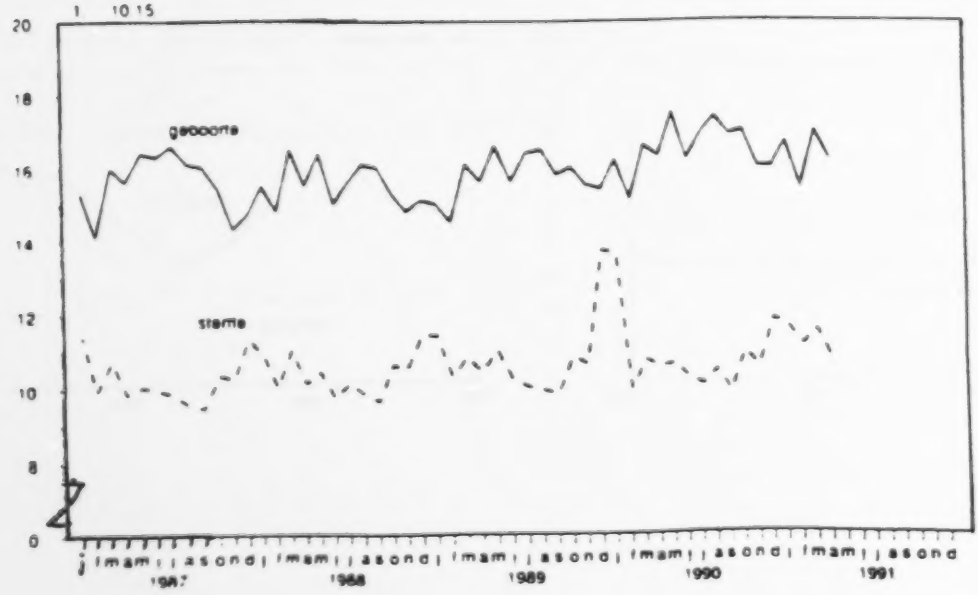


2

Births and deaths (x 1000)

Births

Deaths



3

Non-indigenous population

	Jan.-June 1990	July-Dec. 1990	Jan.-June 1991
Population at beginning of period	641,918	662,231	692,429
Live births	6,736	6,749	6,767
Deaths	771	870	865
Immigration	36,016	45,248	38,914
Emigration	9,951	10,644	9,819
After adjustment	-4,484	-4,773	-5,693
After change of nationality	-7,233	-5,512	-8,537
Total population growth	20,313	30,198	20,767
Population at end of period	662,231	692,429	713,196

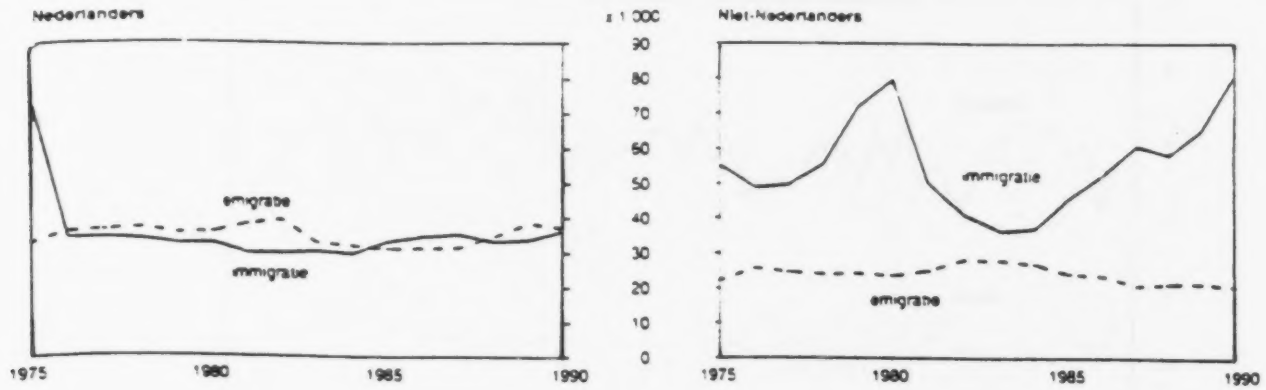
4

Migration

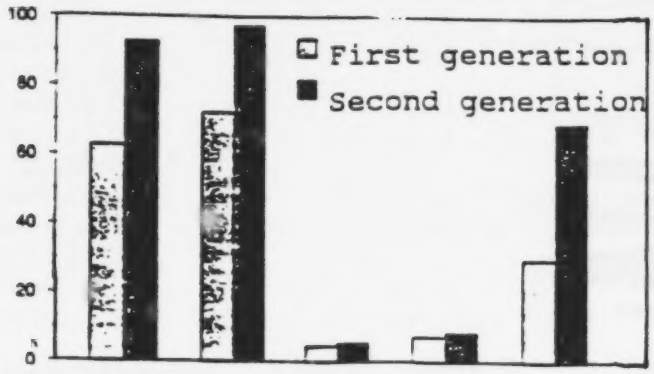
Dutch x 1000 Non-Dutch

--- emigration
—— immigration

—— immigration
- - - - emigration



No. of Dutch nationals per 100 persons of foreign origin, 1 January 1990



Belgium Germany[1] Turkey Morocco[2] Other[3]

1 Including Germany before 1949 and Saarland

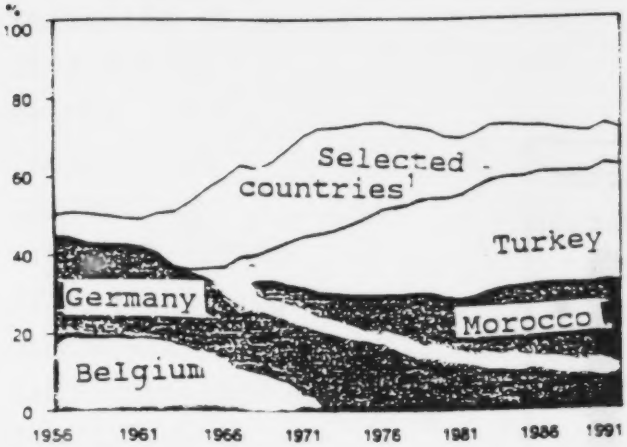
2 Including French and Spanish Morocco, Spanish Sahara and Western Sahara

3 Countries of origin: Greece, Italy, Yugoslavia, Cape Verde Islands, Portugal, Spain and Tunisia

Source: Central Statistics Office

6

Some groups as percentages of the total non-indigenous population



[1] Countries of nationality: Greece, Italy, Yugoslavia, Ca Verde Islands, Portugal, Spain and Tunisia

Source: Central Statistics Office, 1 January 1990

6 a

Turks[1], Moroccans[1], Surinamese[2], and Antilleans[2] by sex and age as at 1 January 1990, in %

	Age				Total
	0-19	20-49	50-64	>64	
Total population					
female	24,8	45,3	14,6	15,2	7534100
male	26,5	48,5	14,6	10,3	7358500
Turks					
female	47,8	46,6	5,3	0,5	87696
male	42,2	49,1	8,5	0,2	103759
Moroccans					
female	56,3	38,5	5,0	0,2	65835
male	47,4	41,7	10,5	0,4	82140
Surinamese					
female	17,1	68,1	9,9	5,0	81464
male	18,8	69,5	8,8	3,1	75590
Antilleans					
female	22,6	67,2	7,9	2,6	28753
male	24,1	70,0	5,1	0,9	27310

[1] According to nationality
[2] According to country of birth

Source: Non-indigenous Population of the Netherlands, Central Statistics Office, Monthly Population Statistics 1991/2

7

Asylum seekers by nationality

	1990		1991
	Jan-June	July-Dec.	Jan-June
Total	8,808	12,400	9,452
Sri Lanka	1,188	1,822	1,213
Iran	489	1,235	834
Somalia	739	951	685
China	177	466	664
Romania	286	1,916	656
Nigeria	471	430	498
Ethiopia	482	535	482
Yugoslavia	215	365	462
Turkey	358	439	398
Soviet Union	60	164	336

Source: Ministry of Justice

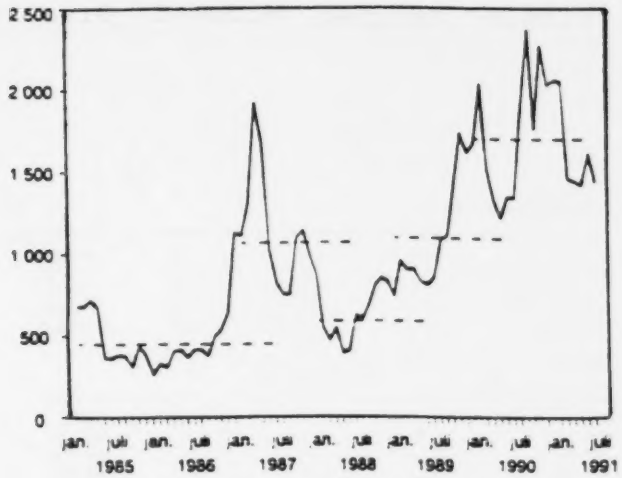
8

Non-Dutch nationals in the Netherlands at 1 January

9

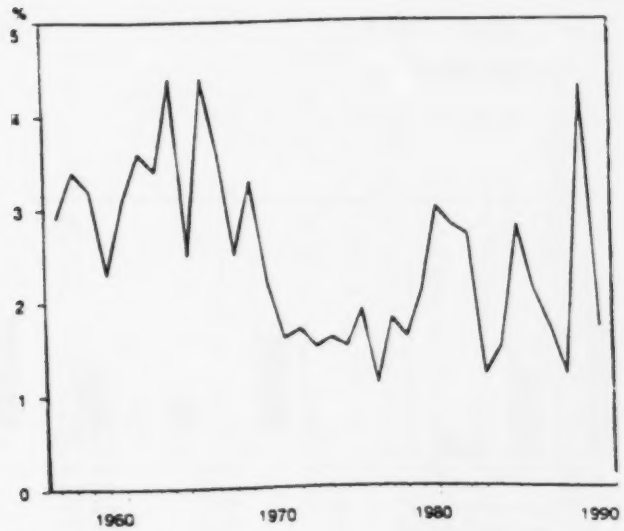
No. of asylum seekers per month

--- yearly average



10

No. of persons naturalised per 100 non-Dutch nationals

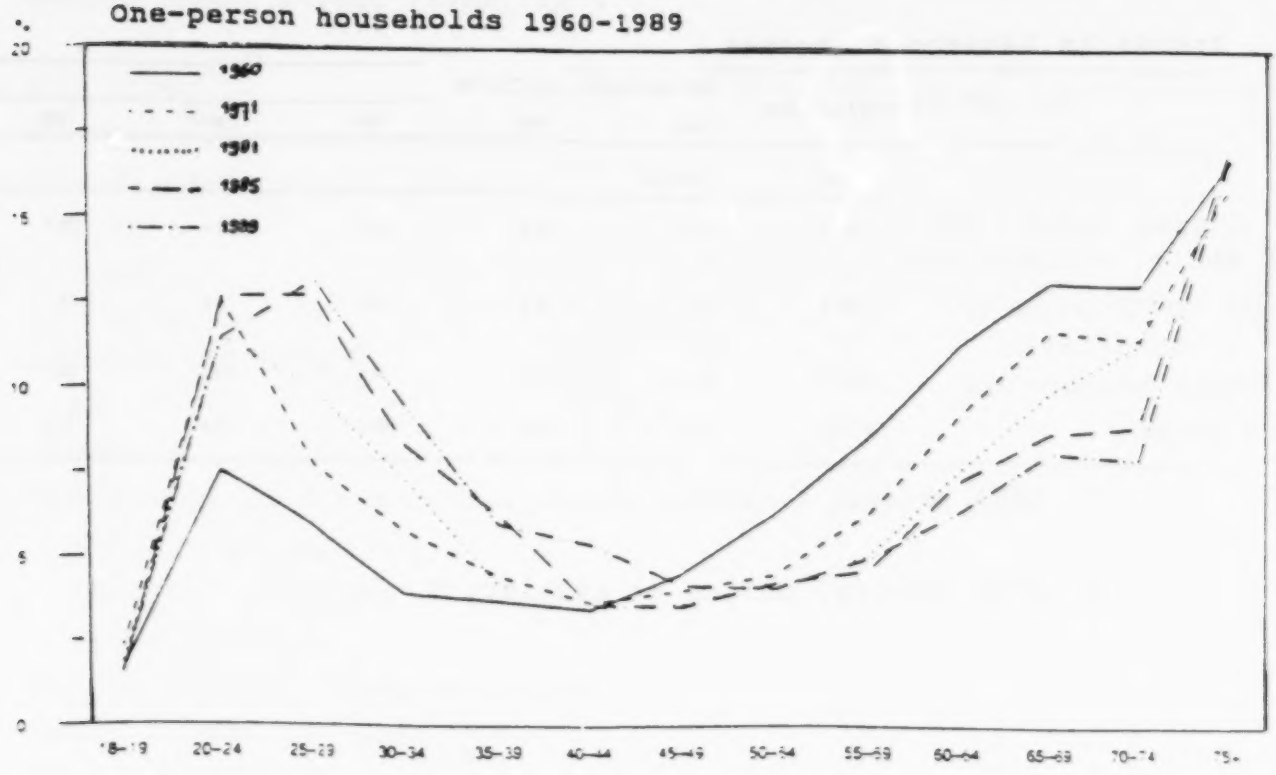


Population by marital status, sex and age, 1 January

	Single	Married	Widowed	Divorced	Total population
Male	%				x 1000
	Absolute				
1980	47 1	48 9	2 1	1 9	6 994 1
1985	45 8	48 1	4 1	2 0	7 149 6
1986	47 0	47 8	2 1	2 5	7 272 8
1989	47 0	47 1	2 1	2 6	7 316 6
1990	46 9	47 4	2 1	2 7	7 358 5
	2050 out				
0– 4 aar	473 045				473 045
5– 9 aar	453 504				453 504
10–14 aar	460 899				460 899
15–19 aar	563 681	1 356	4	11	565 046
20–24 aar	596 180	47 670	28	1 234	644 919
25–29 aar	391 073	257 533	178	11 877	660 662
30–34 aar	192 543	395 778	58	19 350	616 681
35–39 aar	101 928	440 416	1 148	42 146	585 259
40–44 aar	63 842	485 804	2 286	51 127	603 099
45–49 aar	35 858	383 269	3 293	39 690	462 110
50–54 aar	29 471	329 142	5 138	31 168	395 226
55–59 aar	25 178	302 483	8 442	24 814	360 581
60–64 aar	20 447	267 990	13 148	16 882	318 461
65–69 aar	16 156	236 199	19 453	12 347	284 335
70–74 aar	10 709	148 665	21 828	6 901	198 023
75–79 aar	8 524	106 274	26 064	4 224	145 226
80–84 aar	5 045	61 156	24 611	1 883	92 254
85 aar or older	2 997	20 756	25 264	679	49 686
Female					
1980	40 8	48 1	8 6	2 6	7 396 7
1985	40 2	47 4	9 1	3 8	7 504 2
1986	40 2	46 3	9 1	4 3	7 441 3
1989	40 1	46 1	9 0	4 6	7 486 1
1990	40 0	46 1	9 1	4 6	7 534 1
	2050 out				
0– 4 aar	454 055				454 055
5– 9 aar	433 891				433 891
10–14 aar	439 475				439 475
15–19 aar	533 621	8 572	12	83	542 288
20–24 aar	489 767	124 939	129	4 127	618 862
25–29 aar	254 384	355 645	778	20 327	631 135
30–34 aar	115 632	437 415	2 155	38 980	594 182
35–39 aar	59 461	445 106	4 372	51 999	560 968
40–44 aar	37 695	466 611	9 014	59 471	572 721
45–49 aar	22 419	356 287	13 501	45 234	437 341
50–54 aar	19 899	308 005	22 278	34 007	384 189
55–59 aar	21 769	281 275	38 779	26 256	367 879
60–64 aar	24 549	243 313	63 103	20 285	351 250
65–69 aar	26 032	203 919	97 547	17 322	344 720
70–74 aar	22 936	123 749	111 476	11 775	269 936
75–79 aar	23 592	75 347	127 902	9 824	235 665
80–84 aar	18 986	31 781	112 075	5 276	168 088
85 aar or older	15 444	9 659	99 135	3 239	127 477

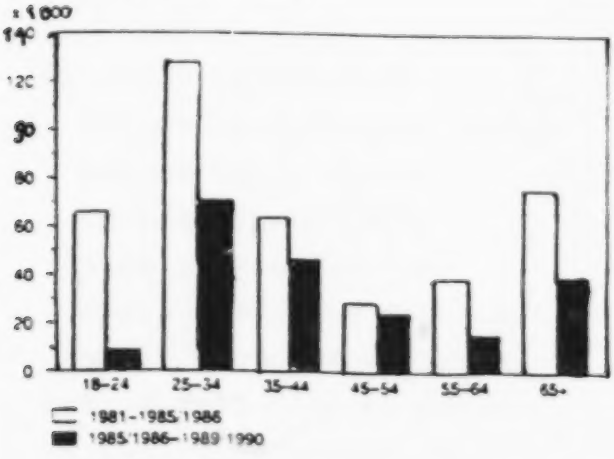
12

One-person households 1960-1989



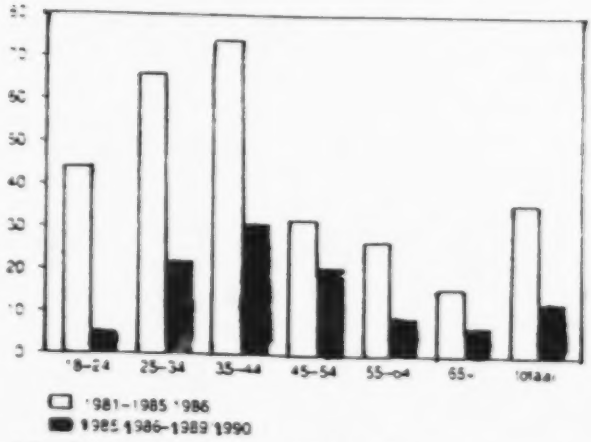
13

Growth of one-person households per age category[1]



14

Growth of one-person household per age category, in percentages[1]



[1] Housing needs studies 1981, 1985/1986 and 1989/1990

Source: Nollen-Dijcks in Supplement to Monthly Socio-Economic Statistics No.3, 1989, pp.19-26

Trends in household incomes

	No. of households	Average income[1]				
		1984	1985	1986	1987	1988
	x 1 000	1 000 gld				
Income under 120% of social minimum 1984	575.5	15.3	19.8	21.5	22.9	23.5
Of which also in 1985-1988	285.8	16.2	15.9	16.2	16.2	16.1
Other households	3 537.8	37.5	37.4	38.9	40.0	40.1
Total	4 113.3	34.5	34.9	36.5	37.6	37.8

[1] 1984 prices

Source: Central Office of Statistics

Single women living alone, in %

	Age			Age		
	18-19	20-24	25-29	18-19	20-24	25
All women	8	12	9	7	17	13
Demographic characteristics						
No. of parents' children						
1 or 2	8	12	10	8	18	14
3 or 4	9	14	8	6	16	13
5 or more	5	11	9	3	18	13
Parents divorced						
no				6	16	13
yes				15	20	20
Population of place of residence between 6 and 16 years						
400,000 or more	7	13	11	12	17	19
100,000 - 400,000	1	10	10	6	16	15
under 100,000	10	12	9	6	16	12
Socio-cultural characteristics						
Hours worked per week 0	8	16	4	6	21	8
1-29	4	-	4	6	15	9
30+	9	11	18	8	15	21
Religious affiliation	6	11	8	5	15	10
No religious affiliation	12	16	12	10	20	18
Church attendance						
regular	5	11	8	6	14	9
seldom or never	7	10		2	15	12
Political preference						
Christian Democrats (CDA)	5	10	7	1	11	11
Labour Party (PvdA)	4	11	7	8	16	12
Liberal Party (VVD)	9	9	8	3	18	
D'66 (Democrats '66)	3	16	11	9	27	20
small left-wing parties	18	27	15	21	41	33
small right-wing parties	5	11	12	18	15	11
Not in full-time education	7	9	9	7	13	12
In full-time education	9	39	30	6	37	66
Completed education						
primary	4	6	5	5	10	7
secondary	13	17	12	9	19	13
higher	*	18	17	*	31	27

Combination						
In full-time education						
primary completed	4	12	.	4	23	.
secondary completed	15	43	34	10	37	65
higher completed	.	31	36	.	89	67
Not in full-time education						
In employment						
primary completed	3	6	9	8	9	11
secondary completed	17	12	15	7	13	15
higher completed	.	8	16	.	26	21
Not in employment						
primary completed	8	-	2	5	10	4
secondary completed	0	8	4	10	17	4
higher completed	.	9	6	.	20	14

+ Absolute < 10

Source: Central Statistics Office, Family Structure Surveys 1982, 1988

Women living in parental home who intend to marry without prior cohabitation

	%		No.
	Unadjusted	Adjusted[1]	
Church attendance			
frequent	60	59	281
regular	34	34	196
seldom or never	21	21	344
no religion	9	10	363
One-parent family			
no	31	30	1122
yes	2	16	72

Cohabitation before marriage (women aged 18-37)

	%		No.
	Unadjusted	Adjusted[1]	
Church Attendance			
frequent	9	10	599
regular	19	21	577
seldom or never	31	32	941
no religion	50	48	1029
Population of municipality when 6-16			
> 400,000	47	42	425
100,000-400,000	39	36	394
< 100,000	27	28	2353
Education			
primary	25	24	1525
secondary	31	32	1283
higher	56	57	364
One-parent family			
no	31	30	3053
yes	53	45	119
Mean	31	31	3172

[1] Multiple classification analysis

Source: Central Statistics Office, 1992

Age at marriage or first other cohabitation (women aged 18-37)

	Age		No.
	Unadjusted	Adjusted[1]	
Church attendance			
frequent	21.52	21.43	640
regular	21.65	21.44	667
seldom or never	20.94	21.15	1179
no religion	20.65	20.62	1481
Population of municipality when 6-16			
> 400,000	20.75	20.93	571
100,000-400,000	20.93	20.99	514
< 4,100,000	21.13	21.08	2912
Education			
primary	20.34	20.34	1801
secondary	21.33	21.35	1652
higher	22.56	22.47	544
One-parent family			
no	21.11	21.08	3793
yes	19.84	20.46	204
Mean	21.05	21.05	3997

[1] Multiple classification analysis

Source: Central Statistics Office, 1992

Population and labour force aged 15-64 by sex and age, 1987 and 1990

	Employed		Unemployed		Labour force	
	1987	1990	1987	1990	1987	1990
	per 1000					
Women						
15-24	581	612	128	95	709	707
25-44	1124	1332	188	180	1312	1511
45-64	400	461	55	63	455	525
Total	2104	2405	371	338	2476	2743
Men						
15-24		665		84		749
25-44		2251		135		2386
45-64		1036		79		1114
Total		3952		298		4249
Total men and women		6357		636		6992

	Remaining pop.		Total pop.		Labour force as % of pop. aged 15-64		% of labour force unemployed	
	1987	1990	1987	1990	1987	1990	1987	1990
	x 1000				%		%	
Women								
15-24	503	440	1212	1147	44.2	43.9	18.1	13.4
25-44	954	863	2268	2375	26.4	29.8	14.3	11.9
45-64	1045	1026	1500	1550	9.1	10.4	12.1	12
Total	2503	2329	4979	5072	49.7	54.1	15.0	12.3
Men								
15-24		447		1196		14.3		11.2
25-44		93		2480		45.7		5.7
45-64		435		1550		21.3		7.1
Total		975		5225		81.3		7.0
Total men and women		3304		10297		67,9		9.1

21

Persons in employment by sex and working hours, 1987[1] and 1990

	% of part-time workers[2]	< 20 hours	20-34 hours	>34 hours
1987				
Women	68.6	32.7	26.7	40.5
1990				
Women	70.4	33.3	33.3	38.3
Men	29.6	8.1	8.1	84.3

[1] Calculated for women only

[2] < 35 hours

Source: Central Statistics Office, Work Force Survey 1987, 1989; Work Force Survey 1990, 1991

22

Work force aged 15-64 by country of origin and sex, 1990[1]

	Employed per 1000	Unemployed	Work force
Women			
Turkey	12	8	20
Morocco	.	5	8
Suriname	24	11	35
Antilles	7	.	11
Men			
Turkey	36	19	56
Morocco	21	15	36
Suriname	27	11	38
Antilles	9	.	12

[1] Points indicate a lack of reliable figures. All such figures are lower than 5000.

Source: Central Statistics Office, Labour Force Survey 1990, 1991

23

Women[1] with children2 by employment and child care facilities at the birth of the first child, February 1988

	1979-81	1982-84	1985-87
	%		
Not employed at start of pregnancy	26	25	29
Employed at start of pregnancy and after birth:			
same or longer working hours and child care provided by:			
partner, relatives, friends	6	8	7
day nursery	1	2	2
shorter working hours and child care provided by:			
partner, relatives, friends	5	8	12
day nursery	1	1	2
Stopped working	61	55	46
Sample (abs. = 100%)	481	513	504

[1] Women aged 18-37 regardless of marital status and country of origin

[2] Women under 30 years at the birth of the first child

Source: Central Statistics Office, Statistics Year Book, 1990

Women[1] and employment in conjunction with child care, October 1982 and February 1988

	1982	1988
	%	
Without children		
no paid employment	30	26
part-time work[2]	11	16
full-time work[2]	58	58
Regional sample (abs.= 100%)[3]	3368	3303
Youngest child aged 0-3		
no paid employment	82	73
part-time work	14	22
full-time work	3	5
Regional sample	1566	1437
Youngest child aged 4-12		
no paid employment	64	64
part-time work	28	29
full-time work	6	6
Regional sample	1491	964
Total[4]		
no paid employment	50	45
part-time work	16	20
full-time work	32	35

[1] All women aged 18-37 regardless of marital status and country of origin.

[2] Part-time: under 30 hours per week;
full-time: 30 hours per week and over.

[3] Including unknown hours.

[4] Including women whose youngest child is aged 13 or over.

Source: Central Statistics Office, Statistics Year Book 1990

Average gross and net salary and working hours of full-time workers by sex, 1984 and 1989

	Monthly salary[1]				Working hours	
	gross		net		per week[2]	
	in guilders					
	1984	1989	1984	1989	1984	1989
Men						
aged 16-64	3506	3774	2132	2375	40.5	40.3
Women						
aged 16-64	2522	2752	1625	1837	39.9	39.6
Total	3306	3263	2028	2106	40.4	40.1

[1] Including payment for overtime

[2] Including overtime

Source: Central Statistics Office, Annual Wages and Salaries Survey, 1984 and 1989

26

Non-working women aged 15-64 willing to enter employment, 1989

	Returning to work		Others		Total	
	x 1000	%	x 1000	%	x 1000	%
Seeking jobs	138.7	47	171.7	74	310.9	59
Not seeking jobs[1]	156.4	53	60.3	26	216.1	41
Total	295	100	232	100	527	100

[1] Not actively seeking work through job centres, private employment agencies or newspaper advertisements.

Source: Central Statistics Office, Monthly Socio-economic Statistics Supplement, 90/4

27

Income by sex and socio-economic category, and average disposable income[1], 1988

	Women		Men	
	No.	Av.dis. income	No.	Av.dis income
	x 1000	x Fl.1000		
Self-employed	76	19.0	358	43.3
Managers	9	28.4	66	58.1
Public servants	320	22.7	687	35.1
Other	1320	17.3	2461	30.5
Non-employed	1593	16.6	1429	23.1
Persons with < 52 weeks income	842	5.8	638	8.1
Total	4159	15.2	5639	27.7

[1] Excluding income consisting entirely of family allowance, rent subsidies and/or study grants, and taking no account of earnings of wives etc. in family businesses.

Source: Central Statistics Office, Personal Income Distribution 1988

28

Job-seekers aged 15-64 by preferred working hours, age and sex, 1990

	< 12 hours	> 12 hours	Total
	x 1000		
Men			
15-24	17	45	62
25-44		103	105
45-64		40	41
Total	19	189	208
Women			
15-24	21	51	72
25-44	17	134	150
45-64	.	35	39
Total	42	219	262
Men and women			
15-24	38	96	134
25-44	18	237	255
45-64	5	75	80
Total	61	408	469

29

Registered unemployed by sex, according to the current and alternative definitions, 1990

	Men	Women	Total
	x 1000		
Current definition	209	137	346
Alternative definition			
< 12 working hours	8	12	20
unemployed	177	125	302
Total	185	136	321

Source: Central Statistics Office